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May 11, 2004

Ms. Blanca S. Bayo, Director
Division Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

HAND DELIVERY

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MAY 11 PM 12:43
COMMISSION
CLERK

Re: Amended Petition of GTC d/b/a GT Com to Modify Requirement to Institute Local Number Portability Pursuant to Section 251(f) of The Telecommunications Act of 1996
Docket No. 040249-TL

Dear Ms. Bayo:

Enclosed please find the original and fifteen copies of the Amended Petition of GTC d/b/a GT Com to Modify Requirement to Institute Local Number Portability Pursuant to Section 251(f) of The Telecommunications Act of 1996 pertaining to the above referenced docket number.

Please acknowledge receipt of these documents by date-stamping the enclosed copy of this letter and returning it to the undersigned.

Sincerely,

Martin P. McDonnell
Martin P. McDonnell

- CMP _____
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DOCUMENT NUMBER-DATE

05471 MAY 11 03

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

PETITION OF)
)
GTC, INC. d/b/a GT Com,)
)
To modify requirement to institute)
local number portability pursuant)
to Section 251(f) of the)
Telecommunications Act of 1996)

Docket No.: 040249-TL

Filed: May 11, 2004

AMENDED PETITION OF GTC d/b/a GT COM TO MODIFY
REQUIREMENT TO INSTITUTE LOCAL NUMBER
PORTABILITY PURSUANT TO SECTION 251(F) OF
THE TELECOMMUNICATIONS ACT OF 1996

GTC, Inc. d/b/a GT Com ("GT Com" or "Company"), a wholly-owned subsidiary of FairPoint Communications, Inc. ("FairPoint"), files this Amended Petition pursuant to Section 251(f)(2)¹ of the Telecommunications Act of 1996 (the "Act") and Rule 28-106.201, Florida Administrative Code. to modify the Federal Communications Commission's ("FCC") wireline to wireless porting ("intermodal porting") requirements and grant GT Com an additional three (3) months to comply with the FCC's intermodal porting requirements. Approval of this modification is appropriate because the Company is currently working toward intermodal porting, however due to extensive engineering demands, intermodal porting will not be technically feasible by May 24, 2004. A modification is therefore appropriate within the provisions of § 251(f)(2) of the Act. In support of this Petition, the Company represents the following:

I. Company Information

1. FairPoint is a Delaware corporation headquartered in Charlotte, North Carolina. FairPoint Communications provides telecommunications services through 26 rural local exchange carriers to more than 119 communities in 17 states across the United States.

¹ 47 U.S.C. § 251(f)(2) et seq.

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FPSC-COMMISSION CLERK

2. GT Com is a Florida corporation and local exchange telecommunications company as defined by Section 364.02(7), Florida Statutes, providing local exchange telecommunications services in the state of Florida. GT COM is a wholly-owned subsidiary of FairPoint, and as of February of 2004, serves approximately 50,524 access lines in and around Taylor, Gulf, Calhoun, Franklin, Liberty, Madison, Jefferson, Bay, Gadsden, Jackson, Okaloosa, and Walton Counties, Florida.

3. The names, addresses, telephone and facsimile numbers of the Petitioner's representatives in this matter and the persons to whom all notices, orders, pleadings, discovery and correspondence should be sent in connection with this docket are as follows:

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Director Accounting/Revenue Requirements
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II. Intermodal Porting Requirements

4. Section 251 of the Act requires all "telecommunications carriers"² to provide "to the extent technically feasible, number portability³ in accordance with the requirements prescribed by the [FCC]."⁴ The FCC has extended the number portability requirements in § 251(b)(2) of the Act to wireline local exchange carriers ("LEC"), which are required to port customers' numbers to wireless carriers

² "The term 'telecommunications carrier' means any provider of telecommunications services." 47 U.S.C. § 153(44).

³ Under the Act, number portability is defined as: "[T]he ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another." 47 U.S.C. § 153(30).

⁴ 47 U.S.C. § 251(b)(2).

where the requesting carrier's 'coverage area' overlaps the geographic location of the rate center in which the customer's wireline number is provisioned, provided that the porting-in carrier maintains the number's original rate center designation following the port.... For purposes of this discussion, the wireless 'coverage area' is the area in which wireless service can be received from the wireless carrier.⁵

The FCC in the Wireline Porting Order stated that all LECs outside the top 100 Metropolitan Services Areas ("MSA") must implement intermodal porting by May 24, 2004.⁶

5. The Act, however, provides that the Florida Public Service Commission ("Commission") may suspend or modify the requirements of § 251(b)(2) for "rural carriers" when compliance by such carrier is "technically infeasible:"

A local exchange carrier with fewer than 2 percent of the Nation's subscriber lines installed in the aggregate nationwide may petition a State commission *for a suspension or modification* of the application of a requirement or requirements of subsection (b)... to telephone exchange service facilities specified in such Petition....⁷

This allows the Commission to suspend completely or modify as appropriate the porting requirements contained in § 251(b)(2) of the Act. The Act gives the Commission guidance as to when such a suspension or modification of porting requirements is appropriate:

The State commission shall grant such petition to the extent that, and for such duration as, the State commission determines that such suspension or modification --

(A) is necessary --

(i) to avoid significant adverse economic impact on users of telecommunications generally;

(ii) to avoid imposing a requirement that is unduly economically burdensome; or

⁵ See In the Matter of Telephone Number Portability; CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues, CC Docket No. 95-116, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 2003 WL 22658207 (F.C.C.) (November 10, 2003) ¶ 22 ("Wireline Porting Order").

⁶ See *id.* at ¶ 29.

⁷ 47 U.S.C. § 251(f)(2). Emphasis added.

(iii) to avoid imposing a requirement that is technically infeasible; and

(B) is consistent with the public interest, convenience, and necessity.⁸

III. Modification of the Porting Requirements is Appropriate

6. Section § 251(f)(2) of the Act clearly demonstrates Congress' recognition that the porting obligations on small rural carriers may be customized to account for the impact on a particular carrier. The implementation of intermodal porting by GT Com in Florida is a real example of the need for flexibility in this implementation. To implement intermodal porting, GT Com has installed Siemens Software to enable the existing switch to perform the required intermodal porting functionality. The cost of the required software and other necessary ancillary services is approximately \$44,200, excluding a monthly database recurring cost of approximately \$750 per month, a recurring dip charge each time the local number portability (LNP) database is accessed, staff training, and other back-office costs.

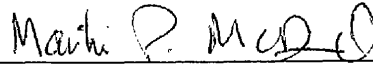
7. GT Com has overcome all financial hurdles to modifying the porting requirements and has commenced the process necessary to ensure adequate number portability. In fact, GT Com has already uploaded its switch utilizing the appropriate software. GT Com has engaged the firm of VeriSign to finalize the necessary call routing to ensure number portability. However, full number portability by GT Com by May 24, 2004 is not technically feasible. VeriSign is currently engaged in establishing proper call routing and GT Com expects to complete intermodal porting in full compliance with Section 251 of the Act and the FCC's Wireline Porting Order by August 24, 2004. Prior to that date, GT Com will procure any other necessary software, obtain expertise from other FairPoint companies, and establish technical compliance with intermodal porting.

WHEREFORE, the Company respectfully requests a suspension of its intermodal porting

⁸ 47 U.S.C. §§ 251(f)(2)(A)-(B).

obligations for 3 months or until August 24, 2004. Furthermore, in order to avoid a conflict with the May 24, 2004 deadline by which wireline-to-wireless number portability must be instituted, GT Com is requesting expedited consideration of this Amended Petition.

Respectfully submitted,



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