

Service Date: March 3, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * * * *

IN THE MATTER Of the Petition of)	UTILITY DIVISION
Montana Wireless, Inc., dba Blackfoot)	
Communications, for a Temporary Waiver)	DOCKET NO. D2000.3.28
of Permanent Number Portability)	
Requirements)	ORDER NO. 6232

**ORDER ON PETITION FOR TEMPORARY
SUSPENSION OF DUTY UNDER 47 U.S.C. § 251(b)(2)**

Background

On March 1, 2000, Montana Wireless, Inc., dba Blackfoot Communications (MWI) filed a petition for temporary suspension of its duty to provide number portability pursuant to 47 U.S.C. § 251(b)(2). MWI filed the petition pursuant to 47 U.S.C. § 251(f)(2), which applies to "local exchange carrier[s] with fewer than 2 percent of the Nation's subscriber lines installed in the aggregate nationwide[.]" and which allows the Montana Public Service Commission (Commission) to suspend the requirements of 47 U.S.C. § 251(b) pending final action on the petition.¹

MWI states that it provides local exchange service in Missoula, Montana and has fewer than two percent of the nation's subscriber lines installed in the aggregate nationwide. It states that it was informed by U S WEST Communications, Inc. (U S West) that U S West is going to make its Missoula switch local number portability (LNP) capable by March 8, 2000. MWI further explains that it is U S West's legal position that once U S West's Missoula switch is LNP capable it can no longer accept interim number portability (INP) orders from carriers like MWI, unless those carriers' 47 U.S.C. § 251(b)(2) obligations have been waived or suspended. MWI says it has been endeavoring to make its Missoula switch LNP capable, but that it will be unable

to fully do so by March 8, 2000. MWI claims that, in order to provide new customers with INP based service between the March 8, 2000 U S West LNP implementation date, and the date MWI becomes LNP capable, it needs the Commission to suspend MWI's duty under 47 U.S.C. § 251(b)(2).

Discussion and Decision

The Commission is empowered by 47 U.S.C. § 251(f)(2)(B) to suspend MWI's duty under 47 U.S.C. § 251(b)(2) pending final action on MWI's 47 U.S.C. § 251(f)(2) petition. Based on the facts presented in the petition the Commission finds it is in the public interest to suspend MWI's 47 U.S.C. § 251(b)(2) obligation pending final action on the petition. It appears that denying a temporary suspension would be contrary to MWI's interests and also, more important from the Commission's perspective, contrary to the interests of potential MWI customers. The Commission must act on MWI's petition by August 28, 2000. Following the issuance of this Order, the Commission will notice the petition and, if necessary, issue a procedural order and schedule a hearing.

Conclusions of Law

1. The Commission has jurisdiction over the MWI petition. 47 U.S.C. § 251(f)(2), 69-3-834(5), MCA.
2. The Commission has the authority to suspend MWI's duty to provide local number portability pursuant to 47 U.S.C. § 251(b)(2). 47 U.S.C. § 251(f)(2)(B), 69-3-834(5), MCA.

Order

The requirement, pursuant to 47 U.S.C. § 251(b)(2), that Montana Wireless, Inc. provide number portability in its Montana exchanges, is suspended pending final action on its petition.

DONE AND DATED this 2nd day of March, 2000, by a vote of 3-0.

¹ The duty to provide number portability, and the opportunity for certain local exchange carriers to have that duty suspended, are also present in Montana law. 69-3-834(2)(b) and 69-3-834(5), MCA.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chair

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.