



CHAIRMAN

Federal Communications Commission

Washington, D.C.

June 18, 2004

The Honorable Stan Wise
President, National Association of Regulatory Utility Commissioners
Commissioner, Georgia Public Service Commission
225 Washington Street, S.W.
Atlanta, GA 30334

Dear President Wise:

I am writing you, as the president of the National Association of Regulatory Utility Commissioners and representative of NARUC's member commissioners, in connection with requests that small local exchange carriers (LECs) have made to various state commissions for waivers of intermodal number porting obligations.

As you know, the FCC concluded in its *Telephone Number Portability Proceeding* (CC Dkt. No. 95-116) that, by November 24, 2003, LECs generally had to port numbers to wireless carriers where the requesting wireless carrier's coverage area overlaps the rate center with which the customer's wireline number is associated. Wireline carriers that operate in areas outside the 100 largest Metropolitan Statistical Areas had to provide such number porting no later than May 24, 2004. The FCC granted certain LECs serving fewer than two percent of the nation's subscriber lines a limited waiver of the November 24, 2003 deadline until May 24, 2004.

The Commission has emphasized on many occasions the important competitive and consumer benefits of number portability. The Chief of the FCC's Consumer & Governmental Affairs Bureau noted the benefits of wireline-to-wireless porting in his May 6, 2004, letter to you. The Small Business Administration's Office of Advocacy, however, has raised concerns about the possible economic burden that intermodal number porting may place on LECs that are small businesses, particularly those in rural areas. Those concerns may warrant flexibility in evaluating pending waiver requests by small LECs under Section 251(f)(2). Accordingly, and notwithstanding Chief Snowden's letter, I urge state commissions to consider the burdens on small businesses in addressing those waiver requests and to grant the requested relief if the state commissions deem it appropriate. I also request that you share with NARUC's membership this letter encouraging state commissioners to closely consider the concerns raised by small LECs petitioning for waivers.

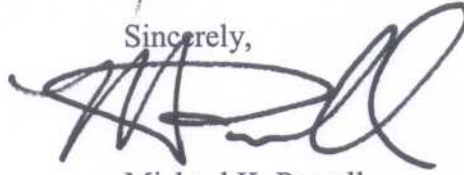
I further urge state commissions, in the course of their deliberations on the pending waiver requests, to encourage parties to develop and submit data relating to the benefits of wireline-to-wireless number portability and the costs of complying with those

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obligations, including upgrade costs to the network and routing costs for calls forwarded to carriers. Finally, I encourage parties to submit such information to the FCC for inclusion in our ongoing proceeding in CC Docket No. 95-116 regarding intermodal porting intervals.

Please do not hesitate to call if you would like to discuss these issues further.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Powell', written over the word 'Sincerely,'.

Michael K. Powell

cc: Commissioner Robert Nelson, Chair, NARUC Telecommunications Committee
Commissioner Carl Wood, Chair, NARUC Consumer Affairs Committee
William Maher, Chief, Wireline Competition Bureau
John Muleta, Chief, Wireless Telecommunications Bureau
K. Dane Snowden, Chief, Consumer & Governmental Affairs Bureau