

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: WEST LIBERTY TELEPHONE COMPANY, d/b/a LIBERTY COMMUNICATIONS	DOCKET NO. SPU-05-2
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ORDER FINDING REQUEST FOR EXTENSION TO BE MOOT

(Issued March 30, 2005)

On November 10, 2003, and January 16, 2004, the Federal Communications Commission (FCC) issued orders that required small, independent telephone companies to implement intermodal local number portability by May 24, 2004.

On October 6, 2004, the Utilities Board (Board) issued an order in combined Docket Nos. SPU-04-3, SPU-04-5, and SPU-04-6 and pursuant to 47 U.S.C. § 251(f)(2) that suspended the FCC's LNP implementation requirement for 147 petitioners by creating five groups, each with a different deadline for LNP implementation.

On March 3, 2005, West Liberty Telephone Company, d/b/a Liberty Communications (Liberty), filed with the Board a request for an extension of time to implement its number portability requirements in Iowa. Specifically, Liberty requests a delay of its Board-ordered local number portability (LNP) deployment schedule of April 6, 2005, until October 6, 2005, for the West Liberty and West Branch, Iowa,

exchanges to allow Liberty time to install a next generation digital switch and complete the implementation.

On March 11, 2005, the United States Court of Appeals for the D.C. Circuit issued a decision that vacates the FCC's LNP implementation requirements delineated in the FCC's November 10, 2004, orders. U.S. Telecom Association, et. al. v. FCC, Docket No. 03-1414 (March 11, 2005, D.C. Circuit). In USTA v. FCC, the court held that the FCC failed to provide a final regulatory flexibility analysis (RFA) regarding the potential impact of LNP implementation on small telecommunications carriers. The court remanded the case to the FCC to complete the RFA and stayed the implementation of the FCC's LNP rules until the FCC publishes the RFA.

The D.C. Circuit Court's decision in USTA v. FCC effectively "stayed" the Board's October 6, 2004, order that extended the FCC's LNP implementation deadlines for petitioning carriers, including Liberty, by suspending the underlying obligation to implement LNP. This renders Liberty's request for extension moot. However, the Board encourages Liberty to continue its efforts towards implementation of LNP in a timely manner.

IT IS THEREFORE ORDERED:

The request for extension of time filed by West Liberty Telephone Company, d/b/a Liberty Communications, on March 3, 2005, is moot as described in this order.

UTILITIES BOARD

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 30th day of March, 2005.