

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Telephone Number Portability)
Petition of GTE Pacifica, Inc. for Waiver and)
Extension of Time to Implement Wireless Local)
Number Portability in the Commonwealth of the)
Northern Mariana Islands) CC Docket No. 95-116
Petition of Choice Phone, LLC for Waiver and)
Extension of Time to Implement Wireless Local)
Number Portability in the Commonwealth of the)
Northern Mariana Islands)
Petition of Guam Wireless Telephone Co., LLC)
for Waiver and Extension of Time to Implement)
Wireless Local Number Portability in the)
Commonwealth of the Northern Mariana Islands)

ORDER

Adopted: March 30, 2007

Released: April 2, 2007

By the Deputy Chief, Spectrum and Competition Policy Division,
Wireless Telecommunications Bureau:

I. INTRODUCTION

1. In this Order, we address the requests of three commercial mobile radio service (CMRS) providers – GTE Pacifica, Inc., Choice Phone, LLC, and Guam Wireless Telephone Company, LLC¹ (GTE Pacifica, Choice, and Guam Wireless, respectively, or Petitioners) – for a waiver and an extension of time to implement wireless-to-wireless local number portability (LNP) in the Commonwealth of the Northern Mariana Islands (CNMI).² For the reasons set forth below, we deny GTE Pacifica’s request for

¹ On December 15, 2006, Guam Wireless Telephone Company (d/b/a Hafatel) was merged into DoCoMo Guam, a wholly owned subsidiary of DoCoMo, a publicly traded Japanese corporation.. See Notification of Consummation Regarding the Application of NTT DoCoMo, Inc., Guam Cellular & Paging, Inc, and Guam Wireless Telephone Company, LLC, WT Docket No. 06-96 (Dec. 21, 2006), ULS File Nos. 0002556700 and 0002553437 (ULS Merger Notification). For convenience, we use “Guam Wireless” to refer to both Guam Wireless Telephone Company, before the merger, and DoCoMo Guam, after the merger.

² See Telephone Number Portability, CC Docket No. 95-116, Petition by GTE Pacifica, Inc. for Waiver and Extension of Time to Implement Wireless Local Number Portability in the Commonwealth of the Northern Mariana Islands, filed June 30, 2006 (GTE Pacifica Petition); Petition of Choice Phone, LLC for Waiver and Extension of Time to Implement Wireless Local Number Portability in the Commonwealth of the Northern Mariana Islands, filed June 30, 2006 (Choice Petition); Petition of Guam Wireless Telephone Co., LLC for Waiver and Extension of Time to Implement Wireless Local Number Portability in the Commonwealth of the Northern Mariana Islands, filed June 28, 2006 (Guam Wireless Petition).

an extension of time to meet its obligation to provide LNP, as well as its request to waive the 60-day deadline for seeking an extension of time pursuant to section 52.31(d).³ We refer GTE Pacifica to the Enforcement Bureau for further action consistent with this *Order*. We also find that Choice and Guam Wireless have failed to show good cause for a waiver of the Commission's filing deadline, and we therefore deny their requests for an extension of time. We nonetheless, under the unusual circumstances of this case, will not pursue enforcement action against Choice and Guam Wireless until one month after the incumbent local exchange carrier (ILEC) has made the necessary upgrades to its equipment to support LNP or until six months from the release date of this *Order*, whichever is earlier.

II. BACKGROUND

2. Under the Commission's LNP rules, CMRS carriers were required to offer number portability upon request from a competing carrier in the largest 100 metropolitan statistical areas (MSAs) by November 24, 2003.⁴ Outside the largest 100 MSAs, CMRS carriers were required to support number portability by May 24, 2004, or within six months after receiving a request for number portability, whichever is later.⁵ Carriers who are unable to provide LNP in accordance with this schedule may file a petition with the Commission requesting an extension of the LNP implementation deadline.⁶ The Commission must receive the petition at least 60 days in advance of the implementation deadline.⁷

3. The LNP obligations applicable to CMRS carriers are distinct from those that apply to wireline local exchange carriers (LECs).⁸ The Commission has held that LECs must port numbers to wireless carriers where the requesting wireless carrier's coverage area overlaps the geographic location of the rate center in which the customer's wireline number is provisioned, so long as "the porting-in carrier maintains the number's original rate center designation following the port."⁹ The U.S. Court of Appeals for the D.C. Circuit has stayed this wireline-to-wireless (intermodal) requirement with respect to carriers qualifying as small entities under the Regulatory Flexibility Act.¹⁰

³ 47 C.F.R. § 52.31(d).

⁴ 47 C.F.R. § 52.31. *See also* Verizon Wireless Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation, CC Docket No. 95-116, *Memorandum Opinion and Order*, 17 FCC Rcd. 14972 (2002) (*2002 Forbearance Order*); Telephone Number Portability - Carrier Requests for Clarification of Wireless - Wireless Porting Issues, CC Docket No. 95-116, *Memorandum Opinion and Order*, 18 FCC Rcd. 20971 (2003).

⁵ Telephone Number Portability, CC Docket No. 95-116, *First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd. 7236, 7314 ¶ 137 (1997) (*First Memorandum Opinion and Order*); *2002 Forbearance Order*, 17 FCC Rcd. at 14986 ¶ 31.

⁶ 47 C.F.R. § 52.31(d).

⁷ *Id.* The petition must set forth: the facts that demonstrate why the carrier is unable to meet the deployment schedule; a detailed explanation of the carrier's activities to meet the implementation schedule prior to requesting an extension; the particular switches for which the extension is requested; the period needed to complete deployment; and a proposed schedule with milestones for meeting the deployment date. *Id.* § 52.31(d)(1)-(5).

⁸ *See, e.g., First Memorandum Opinion and Order*, 12 FCC Rcd. 7236.

⁹ 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*, 18 FCC Rcd. 23697, 23706 ¶ 22 (2003) (*Intermodal Order*).

¹⁰ *United States Telecom Ass'n v. FCC*, 400 F.3d 29, 43 (D.C. Cir. 2005) (*U.S. Telecom Ass'n*) (staying the application of the Commission's intermodal number portability requirements with respect to carriers qualifying as small entities under the Regulatory Flexibility Act until the Commission has performed a Final Regulatory

4. On December 21, 2005, Saipancell Communications (Saipancell)¹¹ sent bona fide requests (BFRs) to each of the Petitioners requesting LNP implementation by July 1, 2006.¹² In June of 2006, Petitioners filed the instant requests for waiver and extension of time to deploy LNP in the CNMI. Petitioners explain that all CMRS carriers in the CNMI are currently interconnected through the ILEC, the Micronesian Telecommunications Corporation (MTC), as a tandem interconnecting carrier, and that they have been unable to provide the number porting capability that Saipancell requested because MTC has not implemented the necessary upgrades to its network and signaling equipment.¹³

5. **GTE Pacifica Petition.** GTE Pacifica is a wholly owned subsidiary of Pacifica Telecommunications Inc. (PTI), which is the parent company of MTC.¹⁴ GTE Pacifica states that because MTC has not completed necessary upgrades to its network and signaling infrastructure, it is unable to respond to Saipancell's BFR.¹⁵ GTE Pacifica notes that in a previous case involving the implementation of LNP on Guam, the Spectrum and Competition Policy Division (Division) found that the ILEC's inability to support wireless-to-wireless porting constituted special circumstances justifying an extension of time to implement LNP, and that an extension was in the public interest.¹⁶ GTE Pacifica maintains that its situation is comparable to that of the CMRS providers on Guam and it therefore merits relief. Further, GTE Pacifica argues that MTC is not currently obligated to implement number portability because it is subject to the U.S. Court of Appeals for the D.C. Circuit's stay of the *Intermodal Order*.¹⁷ GTE Pacifica therefore requests an extension of the LNP implementation deadline until sixty days after the date on which MTC is required to implement LNP (after the lifting of the intermodal stay) in order to allow GTE Pacifica time to implement and test software upgrades to its switches in coordination with MTC's upgraded equipment.¹⁸

6. GTE Pacifica also seeks a waiver of the 60-day deadline for requesting an extension of LNP obligations. In this regard, GTE Pacifica alleges that PTI faced enormous transitional challenges after taking over the operations of both the wireless company, GTE Pacifica, and the ILEC, MTC, in 2005.¹⁹

Flexibility Analysis, as required by law). On April 22, 2005, the Commission released a Public Notice seeking comment on the Initial Regulatory Flexibility Analysis. *Federal Communications Commission Seeks Comment on Initial Regulatory Flexibility Analysis in Telephone Number Portability Proceeding*, CC Docket No. 95-116, Public Notice, 20 FCC Rcd 8616 (2005).

¹¹ Saipancell, which is registered under the name of Guam Cellular and Paging, Inc., has not participated in this proceeding.

¹² See GTE Pacifica Petition at 1-2; Guam Wireless Petition at 1; Choice Petition at 1.

¹³ See GTE Pacifica Petition at 2-3; Guam Wireless Petition at 1; Choice Petition at 2.

¹⁴ GTE Pacifica Petition at 1 and n.1.

¹⁵ *Id.* at 3.

¹⁶ *Id.* at 2-3, citing Petition of TeleGuam Holdings, LLC to Extend the Date for Implementation of Wireless-to-Wireless Local Number Portability on Guam, Petition of Guam Wireless Telephone Company, LLC for Limited Waiver of Rule 52.31, or Extension of Time, to Comply with the Commission's Wireless Local Number Portability Requirements; Petition of IT&E Overseas, Inc. to Extend the Date for Implementation of Wireless-to-Wireless Local Number Portability on Guam, CC Docket No. 95-116, *Order*, 20 FCC Rcd. 16323 (SCPD, WTB 2005) (*TeleGuam Order* or *TeleGuam*).

¹⁷ GTE Pacifica Petition at 3, citing *U.S. Telecom Ass'n*, 400 F.3d 29.

¹⁸ GTE Pacifica Petition at 5.

¹⁹ *Id.* at 5.

GTE Pacifica explains that because Saipancell's BFR arrived three months after the transaction closed, GTE Pacifica's small staff was preoccupied with other tasks associated with running a new company and could not respond to the porting request immediately.²⁰

7. **Choice and Guam Wireless Petitions.** Like GTE Pacifica, Choice and Guam Wireless base their requests for extension of time on the ILEC's²¹ inability to support porting on their networks, as in the *TeleGuam* precedent.²² Both Choice and Guam Wireless state that although their networks are capable of supporting LNP,²³ their inability to implement LNP is due to PTI's failure to complete necessary upgrades.²⁴ Guam Wireless further argues that its testing and implementation of wireless LNP in the CNMI cannot begin until PTI is capable of supporting the required SS7 services as an N-1 carrier.²⁵ Both Choice and Guam Wireless assert that PTI estimates that it will be at least six months before it can implement the required upgrades.²⁶ Accordingly, Choice and Guam Wireless request "an indefinite delay" for wireless LNP implementation in the CNMI because of PTI's failure to provide the necessary upgrades to support wireless-to-wireless LNP.²⁷

8. Additionally, both Choice and Guam Wireless request waivers of the 60-day advance filing deadline. Choice explains that it did not file its request sooner because PTI had represented that it would contact the Commission to obtain a waiver of the implementation deadline.²⁸ Consequently, Choice originally intended to wait for PTI to file "in order to synchronize the dates and benchmarks for LNP implementation in the CNMI."²⁹ Guam Wireless asserts that its late filing is due to the failure of PTI adequately to inform Guam Wireless and the other CNMI wireless carriers of PTI's capability and procedures for supporting wireless LNP.³⁰

III. DISCUSSION

9. The Commission may, on its own motion or on petition, waive its rules when good cause is

²⁰ *See id.*

²¹ We note that both Choice and Guam Wireless refer to PTI rather than MTC in their Petitions. Choice Petition at 1, 2; Guam Wireless Petition at 1, 2. Accordingly, we refer to PTI as appropriate to reflect statements in these Petitions.

²² Choice Petition at 1,2; Guam Wireless Petition at 1,2. Choice is a Specialized Mobile Radio service provider serving the CNMI and Guam, while Guam Wireless is a broadband PCS GSM carrier serving the CNMI and Guam. Choice Petition at 2; Guam Wireless Petition at 1. We note that Choice and Guam Wireless were both parties to the *TeleGuam* case.

²³ Choice Petition at 2; Guam Wireless Petition at 1. We note that both Choice and Guam Wireless currently support LNP on Guam. Choice Petition at 2; Guam Wireless Petition at 1.

²⁴ Choice Petition at 1; Guam Wireless Petition at 1.

²⁵ Guam Wireless Petition at 2.

²⁶ Choice Petition at 2 (stating that Choice has not received a firm implementation schedule or benchmarks from PTI); Guam Wireless Petition at 2 (Guam Wireless cannot provide the Commission with date-specific milestones for testing and implementation until it receives PTI's milestones for implementation and testing).

²⁷ Choice Petition at 1 (seeking an extension until such time that the CNMI telecommunications infrastructure has been upgraded to be capable of supporting LNP); Guam Wireless Petition at 1.

²⁸ Choice Petition at 1, 2.

²⁹ *Id.* at 1.

³⁰ Guam Wireless Petition at 1.

demonstrated.³¹ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.³² In doing so, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.³³ Commission rules are presumed valid, however, and an applicant for waiver bears a heavy burden.³⁴ Waiver of the Commission's rules is therefore appropriate only if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.³⁵ In seeking an extension of the LNP deployment deadline, a carrier must provide substantial, credible evidence to support its contention that it is unable to comply with the deployment schedule.³⁶ In addition, section 52.31(d) requires that petitions seeking additional time to implement porting must be filed at least sixty days in advance of the LNP deployment deadline.³⁷

10. GTE Pacifica Petition. We deny GTE Pacifica's petition. First, we find that GTE Pacifica has failed to provide evidence of "special circumstances" to justify waiver of the procedural deadline to file for an extension of time to implement LNP as required under section 52.31(d). GTE Pacifica explains that it could not respond to the BFR "immediately" because PTI, its parent company, had "tak[en] over the operations of the wireless company and the LEC less than one year ago," and that GTE Pacifica received the BFR "barely three months after closing."³⁸ We are unpersuaded by this argument. GTE Pacifica does not explain why it was impossible to ask for a waiver of the deadline within the requisite time period. When PTI acquired GTE Pacifica and MTC, it was on notice of the Commission's LNP requirements. GTE Pacifica was responsible for timely compliance with the requirement that CMRS carriers must be ready to support LNP by May 24, 2004, or within six months after receiving a request for number portability, whichever is later.³⁹ Acquisition by a new company and the business decision to ignore LNP in favor of more "press[ing]" matters do not establish the requisite special circumstances for a waiver of the Commission's rules. Therefore, public policy does not favor granting a waiver to GTE Pacifica in these circumstances. Because GTE Pacifica neither met the deadline to file for an extension of time, nor established grounds for a waiver, we reject its petition under Section 52.31(d) for this reason alone.

11. Moreover, even if GTE Pacifica's petition were timely, it has not established grounds for granting an extension of the LNP implementation deadline. GTE Pacifica argues that its situation is on point with that of the CMRS carriers in *TeleGuam*, because GTE Pacifica also depends on the ILEC for interconnection. However, because GTE Pacifica and MTC are under common control, we hold GTE Pacifica and PTI responsible for delay in the implementation of LNP arising out of MTC's inaction.⁴⁰ In *TeleGuam*, we granted an extension of time to the ILEC's CMRS affiliate because the ILEC and its

³¹ 47 C.F.R. § 1.3; *see also WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972) (*WAIT Radio*).

³² *See Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir 1990) (*Northeast Cellular*).

³³ *See Wait Radio*, 418 F.2d at 1159; *Northeast Cellular*, 897 F.2d at 1166.

³⁴ *See Wait Radio*, 418 F.2d at 1157.

³⁵ *See id.* at 1159.

³⁶ 47 C.F.R. § 52.31(d); *see also* 47 C.F.R. § 52.23(e).

³⁷ 47 C.F.R. § 52.31(d).

³⁸ *See* GTE Pacifica Petition at 5.

³⁹ *See First Memorandum Opinion and Order*, 12 FCC Rcd. at 7314 ¶ 137; *2002 Forbearance Order*, 17 FCC Rcd. at 14986 ¶ 31.

⁴⁰ *TeleGuam*, 20 FCC Rcd. at 16327 ¶ 10 n.28.

affiliated CMRS provider had made diligent efforts to obtain the equipment necessary to implement LNP in a timely manner. Specifically, the ILEC began the implementation of LNP to its network before receiving its first BFR and re-designed its network after discovering connectivity problems hindering its implementation of LNP.⁴¹ In contrast, MTC has not made diligent efforts to prepare for porting.⁴² To the contrary, it apparently has taken no action.⁴³ The special circumstances that we relied on in *TeleGuam* therefore do not exist here.

12. GTE Pacifica argues that MTC is not required to upgrade its network because it is subject to a stay of its intermodal porting obligations.⁴⁴ Even assuming that MTC is among the carriers that qualify as “small entities” under the RFA, this argument misunderstands the scope of the stay issued by the U.S. Court of Appeals for the D.C. Circuit in *U.S. Telecom*. The Court’s stay applies to intermodal porting requirements, whereas this case concerns wireless-to-wireless porting. Indeed, on the same day as it issued the stay, the same court rejected a challenge by several rural ILECs to the Commission’s wireless-to-wireless porting requirements.⁴⁵ Moreover, requiring MTC to support its affiliate’s wireless-to-wireless porting would not undermine the basis for the stay because it would not require MTC to port any number.⁴⁶ Accordingly, the stay of intermodal porting requirements as applied to MTC has no effect on GTE Pacifica’s obligation to implement wireless-to-wireless porting in response to a BFR.

13. In light of our denial of its request for waiver, GTE Pacifica has apparently been out of compliance with the LNP rules since July 1, 2006. We therefore shall refer its conduct to the Enforcement Bureau for action consistent with this *Order*.

14. **Choice and Guam Wireless Petitions.** Because neither Choice nor Guam Wireless has satisfied its burden of showing good cause for waiving the requirement to file a request for an extension of time under section 52.31(d), we deny their waiver requests. Choice and Guam Wireless had sufficient knowledge of Saipancell’s BFR and the LNP rules to file their requests in a timely manner. We are not persuaded by the arguments of Choice or Guam Wireless that they relied on MTC to inform them when it would implement upgrades to its switch.⁴⁷ We find such reliance was not reasonable. Petitioners have an independent duty to make reasonable efforts to seek information necessary to ensure their own compliance with Commission rules. Similarly, we do not find it reasonable for Choice or Guam Wireless to have waited for PTI or MTC to ask the Commission to waive or extend the deadline.⁴⁸

⁴¹ See *id.* at 16327 ¶ 12.

⁴² See 47 C.F.R. § 52.31(d)(2) (A carrier requesting an extension of its LNP implementation deadline must provide “a detailed explanation of the activities that the carrier has undertaken to meet the implementation schedule prior to requesting an extension of time”).

⁴³ GTE Pacifica also has not provided a proposed deployment schedule and milestones for meeting a new deployment date. See 47 C.F.R. § 52.31(d)(5).

⁴⁴ GTE Pacifica Petition at 3, citing *U.S. Telecom Ass’n*, 400 F.3d at 30.

⁴⁵ *Central Texas Telephone Cooperative v. FCC*, 402 F.3d 205 (D.C. Cir. 2005).

⁴⁶ In *U.S. Telecom Ass’n*, the Court held that the *Intermodal Order* adopted a new rule, and therefore triggered the Commission’s obligations under the Regulatory Flexibility Act, because it extended the circumstances under which a LEC must port a number to a wireless carrier beyond those where the customer’s location remained unchanged. The petitioners argued that by doing so, the Commission caused LECs to incur additional uncompensated costs of transporting calls to certain ported numbers. The present case does not implicate any such costs.

⁴⁷ See Choice Petition at 1; Guam Wireless Petition at 1.

⁴⁸ See Choice Petition at 1. Furthermore, even assuming their initial reliance on PTI’s representations were reasonable, neither Choice nor Guam Wireless has explained why they did not file their requests until three days or less before their obligations became due.

Moreover, both Choice and Guam Wireless⁴⁹ were clearly aware of the relevant rules based on their recent experience in Guam. In these circumstances, we find that the Petitioners did not meet the good cause standard to excuse their failure to petition the Commission at least sixty days before the implementation deadline with a statement of the reasons that they would be unable to meet their LNP deadline.

15. Nonetheless, in light of the particular circumstances that Choice and Guam Wireless face, we will not pursue enforcement action against them at this time. Because all CMRS carriers on the CNMI, as on Guam, connect to each other indirectly and rely on MTC for switching and interconnection, Choice and Guam Wireless cannot implement porting until MTC upgrades its network and the CMRS providers have an opportunity to coordinate and test their equipment with the ILEC's upgraded system. Additionally, both Choice and Guam Wireless have upgraded their infrastructure so that they have the internal capability to support LNP.⁵⁰ In view of the fact that neither Choice nor Guam Wireless, in contrast to GTE Pacifica, can influence MTC's efforts to complete necessary upgrades, and both are dependent upon MTC for their own ability to implement wireless-to-wireless LNP, we conclude that it would not be appropriate to take immediate enforcement action against them. Because the Commission's rules contemplate the provision of LNP within six months of receiving a BFR, we expect that MTC will implement upgrades to its network in sufficient time to support LNP by GTE Pacifica and other CMRS providers within six months from the release of this *Order*, at the latest.⁵¹ Moreover, if MTC completes its upgrades earlier, we believe it is reasonable to expect Choice and Guam Wireless to complete necessary testing and integration within one month after MTC has upgraded its switch.⁵² This additional month will help avoid network disruptions and promote smooth implementation of porting on the CNMI. Accordingly, we will not pursue enforcement of the LNP implementation deadline against Choice and Guam Wireless until the earlier of the following events: one month after the ILEC has made the necessary upgrades to its equipment, or six months from the release date of this *Order*.⁵³

IV. CONCLUSION

16. For the foregoing reasons, we deny the petitions of GTE Pacifica, Choice and Guam Wireless for a waiver of the advance filing requirement and an extension of time to implement LNP on the CNMI. We shall forward our findings with respect to GTE Pacifica's conduct in this matter to the Enforcement Bureau for action consistent with this *Order*. While we do not pursue enforcement action against Choice and Guam Wireless at the present time, we shall forward our findings with respect to these Petitioners to the Enforcement Bureau if they have not satisfied their LNP obligations by the

⁴⁹ On December 15, 2006, Guam Wireless and Saipancell were merged into a single entity under the control of DoCoMo Guam. See ULS Merger Notification, ULS File Nos. 0002556700 and 0002553437, Note 1 *supra*, Nonetheless, DoCoMo Guam remains obligated to provide LNP capability through Guam Wireless' switch because that obligation was triggered by Guam Wireless' receipt of Saipancell's pre-merger BFR.

⁵⁰ Choice Petition at 2; Guam Wireless Petition at 1.

⁵¹ We note that until MTC completes its upgrade and GTE Pacifica begins offering LNP, GTE Pacifica will continue to be out of compliance with the Commission's rules.

⁵² In *TeleGuam*, Choice and Guam Wireless requested, and the Division granted, an extension of the deadline until two months after the ILEC's projected readiness date. See *TeleGuam*, 20 FCC Rcd. at 16328 ¶ 15. In this instance, neither Choice nor Guam Wireless has indicated that any particular time is needed for testing and implementation.

⁵³ In the event any difficulty should arise in meeting these dates, the parties should promptly notify the Division of such development, explain the nature of the problem, and describe when they will be able to come into compliance. See 47 C.F.R. § 52.31(e) (Bureau may establish reporting requirements and direct necessary actions in connection with implementation of LNP).

earlier of the following events: one month after the ILEC has made the necessary upgrades to its equipment to support wireless-to-wireless LNP, or six months from the release date of this *Order*.

V. ORDERING CLAUSES

17. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c), and sections 1.3 and 52.31(d) of the Commission's rules, 47 C.F.R. §§ 1.3, 52.31(d), the petitions for waiver and extension of time to implement wireless-to-wireless porting filed by GTE Pacifica, Inc., on June 30, 2006, Choice Phone, LLC on June 30, 2006, and Guam Wireless Telephone Co., LLC on June 28, 2006 are DENIED as described herein.

18. IT IS FURTHER ORDERED that, pursuant to sections 4(i) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c), and section 0.111 of the Commission's rules, 47 C.F.R. § 0.111, GTE's apparent violation of the Commission's rules shall be submitted to the Enforcement Bureau for further action consistent with this Order.

19. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Jeffrey S. Steinberg
Deputy Chief, Spectrum and Competition Policy Division,
Wireless Telecommunications Bureau