

RESOLUTION NO. R-06-2005

***RESOLUTION OF THE CITY COUNCIL OF EAGLE MOUNTAIN
CITY, UTAH EXTENDING THE SUSPENSION OF WIRELINE TO
WIRELESS NUMBER PORTABILITY REQUIREMENTS
FOR THE
EAGLE MOUNTAIN TELECOMMUNICATIONS SYSTEM***

Whereas, number portability permits a telecommunications subscriber to retain an assigned telephone number when changing providers of telecommunications services; and

Whereas, Section 47 U.S.C. § 251(b)(2) imposes upon each telecommunications carrier a "duty to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Federal Communications Commission; and

Whereas, on November 10, 2003, the FCC issued a Memorandum Opinion and Order and Further Notice of Proposed Rulemaking in CC Docket 95-116 (November 10, 2003, Order) FCC 03-284 which provides that local exchange carriers in the nation's top 100 Major Service Areas must provide line number portability ("LNP") to all telecommunications carriers, including commercial mobile radio service (CMRS) providers by November 24, 2003, provided, however, that small local exchange carriers ("LECs") operating in rural areas would face technical, operational, and other difficulties implementing LNP, and LECs serving outside the 100 Major Service Areas are granted a waiver, extending their requirement to provide LNP to May 24, 2004. In further recognition of the continuing difficulties faced by small, rural LECs, the FCC granted an additional waiver for such companies in its January 16, 2004, FCC Order, CC Docket No. - 95-116, FCC 04-12; and

Whereas, the Eagle Mountain City Telecommunications System is such a small, rural LEC, and at this point in time is not financially or technically positioned to offer LNP within its service territory and therefore qualifies for the FCC waiver. The economic expense to the System and to its subscribers which would be required to implement LNP is greater than the benefits which a customer or the public would receive, and such expenditures are not practical or feasible for this System at this time; and

Whereas, the Utah Public Service Commission has suspended the LNP requirement for the Utah ILECs which are members of the Utah Rural Telecom Association in its order dated March 17, 2004, in Docket No. 04-2424-01, until May 24, 2005, or until further order of the UPSC, or the FCC; and,


Whereas, Eagle Mountain City formally resolved to that it would not be able to comply with LNP requirements on May 5, 2004 and remains unable to comply because of technical and financial constraints and will therefore extend the suspension of LNP portability from the Eagle Mountain Telecommunications System until May 24, 2006 or until such earlier time as LNP is available;

Now therefore, to be consistent with the cited UPSC order, and because the Eagle Mountain Telecommunications System does not operate under the jurisdiction of the UPSC, the Eagle Mountain City Council hereby extends the suspension of the cited LNP requirement, as it would otherwise apply to this System, until May 24, 2006, or until further order of the UPSC as it shall relate to the other Utah rural ILECs, or until further order of the FCC.


DATED this 19th day of April, 2005.

ATTEST:




Gina Peterson, CMC
City Recorder

EAGLE MOUNTAIN CITY


Kelvin E. Bailey, Mayor