

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

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| In the Matter of |) | |
| |) | |
| Telephone Number Portability |) | |
| |) | CC Docket No. 95-116 |
| Emergency Motion for Stay of the CMRS LNP Deadline |) | |
| |) | |

ORDER

Adopted: September 24, 2004

Released: September 27, 2004

By the Deputy Chief, Spectrum and Competition Policy Division:

1. In this order, we dismiss as moot the August 15, 2003, emergency motion for stay of the commercial mobile radio services (CMRS) local number portability (LNP) deadline filed by AT&T Wireless Services, Inc. (AT&T Wireless) and Cingular Wireless, LLC (Cingular) (collectively, movants).¹ The movants' petition asked the Commission to stay the LNP implementation deadline pending Commission action and final judicial review on their June 16, 2003, petition for rulemaking to rescind the rule requiring CMRS carriers to provide LNP (June 16th petition).²

2. After filing their emergency motion for stay, the movants filed letters with the Commission asking to withdraw the June 16th petition.³ On March 17, 2004, the Spectrum and Competition Policy Division of the Wireless Telecommunications Bureau released an order granting the movants' request and dismissing the June 16th petition.⁴ In view of the dismissal of the June 16th petition, we find that the August 15, 2003, emergency motion for stay is rendered moot.

3. 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) and 155(c), and the authority delegated pursuant to sections 0.131 and 0.331 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331, the above-

¹ Telephone Number Portability, CC Docket No. 95-116, Emergency Motion for Stay of the CMRS LNP Deadline from AT&T Wireless Services, Inc. and Cingular Wireless, LLC (filed Aug. 15, 2003).

² Telephone Number Portability, CC Docket No. 95-116, Expedited Petition for Rulemaking to Rescind the CMRS LNP Rule from the Cellular Telecommunications & Internet Association, Cingular Wireless, LLC, AT&T Wireless Services, Inc., and ALLTEL Communications Inc. (filed June 16, 2003).

³ See Letter from Michael F. Altschul, Senior Vice President & General Counsel, Cellular Telecommunications and Internet Association, Glenn S. Rabin, Vice President-Federal Regulatory Affairs, ALLTEL Communications, Inc., and Douglas I. Brandon, Vice President, AT&T Wireless Services, Inc. to Marlene H. Dortch, Secretary, FCC, CC Docket No. 95-116, RM No. 10792 (filed Feb. 11, 2004) and Telephone Number Portability, CC Docket No. 95-116, RM No. 10792, Request to Withdraw Petition from Cingular Wireless, LLC (filed Feb. 20, 2004).

⁴ Telephone Number Portability, CC Docket No. 95-116, *Order*, 19 FCC Rcd 4767 (2004).

captioned petition filed by AT&T Wireless and Cingular IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Jeffrey S. Steinberg
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Wireless Telecommunications Bureau