



# PUBLIC NOTICE

Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
TTY 202 / 418-2555  
Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

DA 02-1465

## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON CELLULAR SOUTH LICENSE, INC. PETITION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF ALABAMA

### PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: June 21, 2002

Comment Date: July 5, 2002

Reply Comment Date: July 12, 2002

On June 4, 2002, Cellular South License, Inc. (Cellular South) filed with the Commission a petition under section 214(e)(6) seeking designation as an eligible telecommunications carrier (ETC) to receive federal universal service support for service offered throughout its licensed service area in the state of Alabama.<sup>1</sup> Specifically, Cellular South contends that: (1) the Alabama Public Service Commission (Alabama Commission) has provided an affirmative statement that it does not regulate commercial mobile radio service (CMRS) carriers and that Cellular South, as a CMRS provider, should apply to the Commission for ETC designation;<sup>2</sup> (2) Cellular South satisfies all the statutory and regulatory prerequisites for ETC designation;<sup>3</sup> and (3) designating Cellular South as an ETC will serve the public interest.<sup>4</sup>

Pursuant to section 54.207(c) of the Commission's rules,<sup>5</sup> Cellular South also requests

---

<sup>1</sup> See *Cellular South License, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama*, filed June 4, 2002 (Cellular South Petition). Cellular South requests ETC designation throughout its licensed service area in Alabama. See *id.* at 1, 9-13.

<sup>2</sup> *Id.* at 2-4.

<sup>3</sup> *Id.* at 2-9.

<sup>4</sup> *Id.* at 13-16.

<sup>5</sup> See 47 C.F.R. § 54.207(c) (outlining the requirements for petitions seeking to redefine a service area of a rural telephone company).

that the Commission designate Cellular South as an ETC in a service area defined along boundaries that differ from rural LEC study area boundaries.<sup>6</sup> The service area requested by Cellular South for ETC designation only partially covers the study areas of Butler Telephone Company and Frontier Communications of Alabama, Inc.<sup>7</sup> Cellular South maintains that the proposed redefinition of its service area for ETC purposes is consistent with the factors to be considered when redefining a rural telephone company service area, as enumerated by the Federal-State Joint Board on Universal Service (Joint Board).<sup>8</sup> The Wireline Competition Bureau seeks comment on the Cellular South Petition.

The petitioner must provide copies of its petition to the Alabama Commission at the time of filing with the Commission. The Commission will also send a copy of this Public Notice to the Alabama Commission by overnight express mail to ensure that the Alabama Commission is notified of the notice and comment period.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before July 5, 2002, and reply comments on or before July 12, 2002. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding,

---

<sup>6</sup> Cellular South Petition at 11-13. Under section 214(e)(5), in the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board, establish a different definition of "service area" for such company. 47 U.S.C. § 214(e)(5).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 12. The Joint Board has enumerated the following three factors to be considered when redefining a rural service area: (1) whether the competitive carrier is engaged in "cream skimming," (2) whether the rural local exchange carrier's (LEC) special status under the Act will be duly recognized in the proceeding, (3) whether a redefinition of the service area would impose an additional administrative burden for the LEC. *See Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Recommended Decision, 12 FCC Rcd 87, 179-80, paras. 172-74 (1996).

commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20054.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Anita Cheng, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.