



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 02-603  
March 14, 2002

## **ALLTEL Corporation Files a Petition to Extend its Interim Waiver of the Commission's "All-or-Nothing" Rule (Section 61.41)**

### **Pleading Cycle Established**

CCB/CPD No. 99-01

**COMMENTS:** March 25, 2002

**REPLY COMMENTS:** April 1, 2002

### **I. PETITION FOR WAIVER**

1. In this public notice, we seek comment on a petition filed by ALLTEL Corporation (ALLTEL) on February 22, 2002.<sup>1</sup> Specifically, ALLTEL requests that the Commission extend the interim waiver of the "all-or-nothing" rule,<sup>2</sup> initially granted in 2000, to allow ALLTEL, a rate-of-return carrier, to continue to file price-cap tariffs for certain exchanges acquired in a merger with Aliant Communications (Aliant).<sup>3</sup> ALLTEL requests an extension of the waiver from July 1, 2002 until July 1,

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<sup>1</sup> ALLTEL Corporation Petition to Extend Interim Waiver of Section 61.41 of the Commission's Rules (filed Feb. 22, 2002) (*ALLTEL 2002 Waiver Petition*).

<sup>2</sup> 47 C.F.R. § 61.41(b), (c). The "all-or-nothing" rule mandates that, if a carrier files a price-cap tariff for one study area, the carrier and its affiliates, except its average schedule affiliates, must file price-cap tariffs for all of their study areas. The rule also requires that, when a price-cap carrier acquires, is acquired by, merges with, or otherwise becomes affiliated with a non-price cap carrier, the non-price cap carrier shall become subject to price-cap regulation.

<sup>3</sup> See *ALLTEL Corporation Petition for Waiver of Section 61.41 of the Commission's Rules and Applications for Transfer of Control*, CCB/CPD No. 99-01, Memorandum Opinion and Order, 14 FCC Rcd 14,191 (1999); see also *ALLTEL Corporation Petition for Waiver of Section 61.41 of the Commission's Rules*, CCB/CPD No. 99-01, Order, 15 FCC Rcd 23227 (Common Carrier Bureau, released June 14, 2000); *ALLTEL Corporation Petition for Waiver of Section 61.41 of the Commission's Rules*, CCB/CPD No. 99-01, Order, DA 00-1307 (Common Carrier Bureau, released June 16, 2000); *ALLTEL Corporation Request for Approval to Elect Price Cap Regulation, Petition for Waiver of Section 61.41 of the Commission's Rules and Petition for Interim Waiver Pending Decision*, CCB/CPD No. 99-01, Motion for Leave to Withdraw Request for Approval to Elect Price Cap Regulation and Petition for Waiver (filed June 21, 2000); *ALLTEL Corporation Petition for Waiver of Section 61.41 of the Commission's Rules*, CCB/CPD No. 99-01, Order, 16 FCC Rcd 12407 (2001).

## II. PROCEDURAL MATTTERS

2. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>5</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>6</sup> Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.<sup>7</sup>

3. Interested parties may file comments no later than March 25, 2002. Reply comments may be filed no later than April 1, 2002. When filing comments, please reference the internal file number: CCB/CPD 99-01.

4. An original and four copies of all pleadings shall be filed with the Secretary of the Commission. In addition, parties shall serve with three copies with the Competitive Pricing Division, Common Carrier Bureau, 445 12th Street, SW, Room 5-A361, Washington, D.C. 20554, Attn: Rhonda Lien. Parties shall also serve with one copy with Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 863-2893.

5. Interested parties who wish to file comments via hand delivery are also notified that effective December 18, 2001, the Commission will only receive such deliveries weekdays from 8:00 a.m. to 7:00 p.m. at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. **The Commission no longer accepts these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743.** Please note that all hand deliveries must be held together with rubber bands or fasteners, and envelopes must be disposed of before entering the building. In addition, this is a reminder that as of October 18, 2001, the Commission no longer accepts hand-delivered or messenger-delivered filings at its headquarters at 445 12th Street, SW, Washington, DC 20554. Messenger-delivered documents (e.g., via Federal Express), including documents sent by overnight mail (other than United States Postal Service (USPS) Express and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location is open weekdays from 8:00 a.m. to 5:30 p.m. USPS First-Class, Express, and Priority Mail should be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The following chart summarizes this information:

TYPE OF DELIVERY	PROPER DELIVERY ADDRESS
Hand-delivered paper filings	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (Weekdays - 8:00 a.m. to 7:00 p.m.)
Messenger-delivered documents (e.g., Federal Express) including documents sent by overnight mail (this type excludes	9300 East Hampton Drive, Capitol Heights, MD 20743 (Weekdays - 8:00 a.m. to 5:30 p.m.)

<sup>4</sup> *ALLTEL 2002 Waiver Petition* at 3.

<sup>5</sup> *See* 47 C.F.R. §§ 1.1200, 1.1206.

<sup>6</sup> *See* 47 C.F.R. § 1.1206(b).

<sup>7</sup> 47 C.F.R. § 1.1206(b).

USPS Express and Priority Mail)	
USPS First-Class, Express, and Priority Mail	445 12 <sup>th</sup> Street, SW Washington, DC 20554

6. For further information, contact Rhonda Lien, Competitive Pricing Division, Common Carrier Bureau, (202) 418-1520.