



PUBLIC NOTICE

Federal Communications Commission
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**WIRELINER COMPETITION BUREAU SEEKS COMMENT ON ADVANTAGE
CELLULAR SYSTEMS, INC. PETITION FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER THROUGHOUT ITS LICENSED SERVICE
AREA IN THE STATE OF TENNESSEE**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Comment Date: 10 days from publication in the Federal Register
Reply Comment Date: 17 days from publication in the Federal Register

On May 9, 2003, Advantage Cellular Systems, Inc. (Advantage Cellular) filed with the Commission a petition pursuant to section 214(e)(6) of the Communications Act of 1934, as amended, 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 Tennessee.¹ Specifically, Advantage Cellular contends that: 1) the Tennessee Regulatory Authority has provided an affirmative statement that it does not regulate commercial mobile radio service (CMRS) carriers;² 2) Advantage Cellular meets all the statutory and regulatory prerequisites for ETC designation;³ and 3) designating Advantage Cellular as an ETC will serve the public interest.⁴ The Wireline Competition Bureau seeks comment on the Advantage Cellular petition.

¹ See Advantage Cellular, Inc., Application for Designation as an Eligible Telecommunications Carrier in the State of Tennessee, filed May 9, 2003 (Advantage Cellular Petition).

² See *id.* at 6-8; Exhibit D, Tennessee Regulatory Authority Order (Apr. 11, 2003).

³ See Advantage Cellular Petition at 8-19.

⁴ See Advantage Cellular Petition at 19-26.

Pursuant to section 54.207(c) of the Commission's rules,⁵ Advantage Cellular also requests that the Commission designate Advantage Cellular as an ETC in service areas defined along boundaries that differ from rural LEC study area boundaries.⁶ The service areas requested by Advantage Cellular for ETC designation only partially cover the study areas of BellSouth Telecommunications, Inc., Ben Lomand Rural Telephone Cooperative, Inc., Bledsoe Telephone Cooperative, Inc., Delkab Telephone Cooperative, Inc. d/b/a DTC Communications, Citizens Telecommunications Company of Tennessee d/b/a Frontier Communications, North Central Telephone Cooperative, Inc., and Twin Lakes Telephone Cooperative Corporation.⁷ Advantage Cellular maintains that the proposed redefinition of these service areas 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.⁸ The Wireline Competition Bureau seeks comment on the Advantage Cellular petition.

The petitioner must provide copies of its petition to the Tennessee Regulatory Authority at the time of filing with the Commission. The Commission will also send a copy of this Public Notice to the Tennessee Regulatory Authority by overnight express mail to ensure that the Tennessee Regulatory Authority 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 as follows: comments are due **10 days after publication of the Public Notice in the Federal Register** and reply comments are due **17 days after publication of the Public Notice in the Federal Register**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁹

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>, 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.

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

⁶ See Advantage Cellular Petition at 16-19.

⁷ See *id.* at 16.

⁸ See *id.* at 16-19. 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 Communications Act of 1934, as amended, will be duly recognized in the proceeding, (3) whether a redefinition of 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).

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

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, 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, Vistrionix, 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 Thomas Buckley, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.