



PUBLIC NOTICE

Federal Communications Commission
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DA 03-3824

**WIRELINE COMPETITION BUREAU SEEKS COMMENT
ON ALLTEL COMMUNICATIONS, INC. PETITION FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER AND
RURAL SERVICE AREA REDEFINITION IN THE
STATE OF NORTH CAROLINA**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: November 26, 2003

Comment Date: 10 days from publication in the Federal Register

Reply Comment Date: 24 days from publication in the Federal Register

In this Notice, the Wireline Competition Bureau seeks comment on the petition filed by ALLTEL Communications, Inc. (ALLTEL) seeking designation as an eligible telecommunications carrier (ETC) under section 214(e)(6) of the Communications Act of 1934, as amended, so that it can receive federal universal service support in the state of North Carolina.¹ ALLTEL also requests that the Commission redefine certain rural service areas pursuant to section 54.207 of the Commission's rules. ALLTEL provides commercial mobile radio services and seeks federal universal service support for its service offered in non-rural wire centers currently served by BellSouth Telecomm Inc., Verizon South, Inc.-NC, Verizon South, Inc. (CONTEL), and North State Telephone Co.,² and for service offered in rural wire centers currently served by ALLTEL Carolina, Inc., Atlantic Telephone Membership, Central Telephone Co., Concord Telephone Company, Ellerbe Telephone Co. Inc., Lexcom Telephone Company, Mebtel Inc., Piedmont Telephone Membership, Pineville Telephone Co., Randolph Telephone

¹ See *ALLTEL Communications, Inc. for Designation as an Eligible Telecommunications Carrier in the State of North Carolina*, Aug. 26, 2003 (ALLTEL Petition); see also 47 U.S.C. § 214(e)(6).

² See *ALLTEL Communications, Inc. for Designation as an Eligible Telecommunications Carrier in the State of North Carolina* at 9-10, Exhibit D filed Aug. 26, 2003 (ALLTEL Petition).

Co., Randolph Telephone Membership, Service Telephone Co., Sprint Mid-Atlantic, Star Telephone Membership, Surry Telephone Membership, Tri-County Telephone Membership, and Yadkin Valley Telephone Membership.³ ALLTEL has requested that the Commission consider ALLTEL's request to become an ETC in non-rural service areas separately from its rural area ETC designation requests, if such bifurcation would expedite Commission action on ALLTEL's ETC petitions as they relate to the non-rural service areas.⁴

ALLTEL asserts that the North Carolina Utilities Commission (North Carolina Commission) does not regulate commercial mobile radio service providers for purposes of ETC designations and presents an order from the North Carolina Commission asserting its lack of jurisdiction.⁵ Hence, according to ALLTEL, the Commission has jurisdiction under section 214(e)(6) to consider and grant its petition.⁶ ALLTEL also maintains that it satisfies all the statutory and regulatory prerequisites for ETC designation and that designating ALLTEL as an ETC in areas served by rural LECs will serve the public interest.⁷

In accordance with section 54.207 of the Commission's rules, ALLTEL requests that the Commission designate ALLTEL as an ETC in a service area defined along boundaries that differ from the incumbent rural local exchange carrier's study area boundaries.⁸ The service area requested by ALLTEL for ETC designation partially covers the study areas of ALLTEL Carolina, Inc., Central Telephone Company and Surry Telephone Membership Corporation.⁹ ALLTEL requests a redefinition of these rural service areas so each wire center in the respective study areas is designated as a separate service area.¹⁰ ALLTEL limits its redefinition request to those wire centers that ALLTEL serves in its entirety and notes that where ALLTEL serves only a portion of a wire center, it does not request ETC status for that wire center.¹¹ ALLTEL

³ See *ALLTEL Petition* at 10, Exhibit E.

⁴ See Letter from Cheryl A. Tritt, ALLTEL Communications, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission, dated November 10, 2003 (*ALLTEL ex parte*).

⁵ *Id.* at 2-4, Exhibit B; see also Designation of Carriers Eligible for Universal Carrier Support, *Order*, DOCKET NO. P-100, SUB 133c (June 24, 2003) (*North Carolina Commission ETC Decision*). The North Carolina Commission state that the "appropriate venue for the designation of ETC status for [CMRS services] is with the FCC." See *North Carolina Commission ETC Decision* at 2.

⁶ *Id.* at 2.

⁷ *Id.* at 4-8, 13-16.

⁸ *Id.* at 9-11. See 47 C.F.R. § 54.207(d). The Commission may initiate, on its own motion, a proceeding to consider a proposed service area redefinition. If it proposes such different definition, the Commission must seek the agreement of the relevant state commission.

⁹ *Id.* at 11.

¹⁰ *Id.* at 10.

¹¹ *Id.* ALLTEL similarly does not request ETC designation for the non-rural wire centers it serves only partially. *Id.* at 9.

maintains that the proposed redefinition of service areas 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.¹² The Wireline Competition Bureau seeks comment on the ALLTEL Petition.

The petitioner must provide copies of its petition to the North Carolina Commission. The Commission will also send a copy of this Public Notice to the North Carolina Commission by overnight express mail to ensure that the North Carolina 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 as follows: comments are due on or before **10 days after publication of this Public Notice in the Federal Register** and reply comments are due on or before **24 days after publication of this Public Notice in the Federal Register**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.¹³

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.

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, Natek, 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.

¹² *Id.* at 11-13.

¹³ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

20554. All filings must be sent to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

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 Karen Franklin, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.