



PUBLIC NOTICE

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DA 03-3876

**THE WIRELINE COMPETITION BUREAU SEEKS COMMENT ON
ALLTEL'S PETITION TO REDEFINE RURAL TELEPHONE COMPANY SERVICE AREAS
IN THE STATE OF WISCONSIN**

CC Docket No. 96-45

Release Date: December 4, 2003

Comment Date: December 19, 2003

Reply Comment Date: January 5, 2004

The Wireline Competition Bureau seeks comment on a petition filed by ALLTEL Communications, Inc., on behalf of itself and its affiliated partnerships ALLTEL Wireless of Wisconsin RSA #1, LLC and ALLTEL Wireless of Wisconsin #7, LLC (collectively, ALLTEL) pursuant to section 54.207(c) of the Commission's rules, requesting Federal Communications Commission agreement with the Public Service Commission of Wisconsin's (PSCW) proposal to redefine certain rural telephone company service areas in the state of Wisconsin.¹ The PSCW proposes to redefine the service areas of the following rural telephone companies: Amery Telecom, Inc., CenturyTel of Central Wisconsin, CenturyTel of Northern Wisconsin, CenturyTel of Northwest Wisconsin, CenturyTel of the Midwest-Kend, CenturyTel of the Midwest-Wisconsin, Chequamegon Telephone Cooperative, Chilbardun Telephone Cooperative, Frontier Communications of Wisconsin, Midway Telephone Company – Wisconsin, Mt. Vernon Telephone Company, Stockbridge & Sherwood Telephone, Telephone USA of Wisconsin LLC, and West Wisconsin Telecom Cooperative (collectively, Rural Telcos).² The PSCW proposes to redefine each Rural Telco service area into service areas that are coterminous with wire center

¹ *Petition of ALLTEL Communications, Inc. for Consent to Redefine the Service Areas of Rural Telephone Companies in the State of Wisconsin*, CC Docket No. 96-45, filed on November 21, 2003 (Petition).

² *Id.* at Exhibit B (*Application of ALLTEL Communications, Inc., ALLTEL Wireless of Wisconsin RSA #1, LLC and ALLTEL Wireless of Wisconsin RSA # 7, LLC for Designation as an Eligible Telecommunications Carrier in Wisconsin*, Docket No. 7131-T1-101, Final Decision (Sept. 30, 2003) (PSCW Order)); *Amendment to the Petition of ALLTEL Communications, Inc. for Consent to Redefine the Service Areas of Rural Telephone Companies in the State of Wisconsin*, CC Docket No. 96-45, filed on November 26, 2003, at Attachment 2 (Amendment to Petition). To the extent ALLTEL determined the PSCW redefinition proposal was inaccurate, it was instructed to file a revised list correcting the proposal by October 31, 2003. *See* PSCW Petition at 18. Accordingly, ALLTEL filed an amended list correcting the PSCW redefinition proposal on October 31, 2003. *See* Amendment to Petition at 2, Attachment 2. The revised redefinition proposal excluded wire centers in rural study areas that were partially served by ALLTEL. *See* Petition at n. 13; Amendment to Petition at Attachment 2.

boundaries.³

In accordance with section 54.207(c)(1), ALLTEL filed with its Petition the new service area definition proposed by the PSCW and the PSCW's ruling presenting its reasons for adopting its proposed redefinition.⁴ In its ruling, the PSCW instructed ALLTEL to petition the FCC for concurrence in the new service area definitions.⁵ This is the Public Notice required by section 54.207(c)(2).⁶ If the Commission does not act on the Petition within ninety (90) days of the release of this Public Notice, the definition proposed by the PSCW will be deemed approved by the Commission and shall take effect in accordance with state procedures.⁷

Commission Rules: For areas served by a rural telephone company, section 214(e)(5) of the Communications Act of 1934, as amended (the Act) provides that the company's service area will be its study area "unless and until the Commission and the States, after taking into account the recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company."⁸ Section 54.207 of the Commission's rules and the *Universal Service Order* set forth the procedures for consideration of petitions seeking to designate service areas for rural telephone companies that are different from such companies' study areas.⁹

Section 54.207(c)(3) of the Commission's rules provides that the Commission may initiate a proceeding to consider a petition to redefine the service area of a rural telephone company within ninety (90) days of the release date of a Public Notice.¹⁰ If the Commission does not act on the petition within 90 days of the release date of the Public Notice, the definition proposed by the state commission will be deemed approved by the Commission and shall take effect in accordance with state procedures.¹¹ Under section 54.207(e) of the Commission's rules, the Commission delegates its authority under section

³ See PSCW Order at 18; Petition at 2-3; Amendment to Petition at Attachment 2.

⁴ Petition at Exhibit B; PSCW Order at Appendix B; Amendment to Petition at Attachment 2.

⁵ See PSCW Petition at 18.

⁶ 47 C.F.R. § 54.207(c)(2).

⁷ See 47 C.F.R. § 54.207(c)(3)(ii). The Commission delegated its authority to act on petitions to redefine rural service areas to the Wireline Competition Bureau. 47 C.F.R. § 54.207(e).

⁸ See 47 U.S.C. § 214(e)(5).

⁹ See 47 C.F.R. § 54.207(c). Specifically, section 54.207(c)(1) provides that such a petition shall contain: (i) the definition proposed by the state commission; and (ii) the state commission's ruling or other official statement presenting the state commission's reason for adopting its proposed definition, including an analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definition of a service area served by a rural telephone company. See also *Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, 12 FCC Rcd 8776, 8881 (1997) (subseq. history omitted).

¹⁰ 47 C.F.R. § 54.207(c)(3).

¹¹ See 47 C.F.R. § 54.207(c)(3)(ii).

54.207(c) to the Chief of the Wireline Competition Bureau.¹²

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 **December 19, 2003**, and reply comments on or before **January 5, 2004**. 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, 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 Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties who chose to file by paper 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. 20554.

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.

¹² 47 C.F.R. § 54.207(e).

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