

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Joint Petition for Waiver of the Definition)
Of "Study Area" Contained in the)
Appendix to Part 36 of the Commission's)
Rules (Glossary) of:)
)
CenturyTel of Northwest Arkansas, LLC)
)
and) CC Docket 96-45
)
GTE Arkansas, Incorporated)
GTE Midwest Incorporated)
GTE Southwest Incorporated)
)
Petition for Waiver of Sections 69.3(g)(2))
And 61.41(c) of the Commission's Rules of:)
CenturyTel of Northwest Arkansas, LLC)

Comments

The National Exchange Carrier Association, Inc. (NECA) submits these comments on the above-captioned matter, in response to the Federal Communications commission *Public Notice*, released February 25, 2000.¹ NECA supports grant of this *Petition*.²

¹ See CenturyTel and GTE Seek Waiver of the Definition of "Study Area" in Part 36 of the Commission's Rules and Sections 61.41(c) and 69.3(g)(2) of the Commission's Price Cap Rules, Federal Communications Commission Public Notice, CC Docket 96-45, DA 00-404, rel. Feb. 25, 2000 (*Public Notice*). In these Comments, the CenturyTel Companies and GTE Companies are referred to separately as 'CenturyTel' and 'GTE', respectively; and collectively as Petitioners.

² See Joint Petition for Waiver of the Definition of "Study Area" Contained in the Appendix to Part 36 of the Commission's Rules (Glossary) of : CenturyTel of Northwest Arkansas, LLC, CenturyTel of Central Arkansas, LLC; and GTE Arkansas,

On January 28, 2000, CenturyTel and GTE filed a joint petition for waiver of the definition of "study area" contained in the Commission's rules ("frozen study area rules"), to allow the two companies to alter the boundaries of existing study areas in Arkansas, Oklahoma and Missouri upon transfer of 105 local telephone exchanges (inclusive of 214,270 access lines) from GTE to CenturyTel.³ CenturyTel also seeks waiver of section 61.41(c) of the Commission's price cap rules, to exempt it from the price cap "all or nothing" rule.⁴ Additionally, CenturyTel seeks waiver of section 69.3(g)(2), in order to return acquired access lines to NECA's access charge pools after the purchase.⁵

Petitioners show that there will be no USF effect from the transfer, because under existing Commission rules, CenturyTel will receive the same level of support for acquired lines as did GTE before the transfer.⁶

Incorporated, GTE Midwest Incorporated, GTE Southwest, Incorporated, Petition for Waiver of Sections 69.3(g)(2) and 61.41(c) of the Commission's Rules of: CenturyTel of Northwest Arkansas, LLC, CenturyTel of Central Arkansas, LLC, CC Docket 96-45, filed Jan. 21, 2000 (*Petition*).

³ *Public Notice* at 1.

⁴ *Id.* Section 61.41(c) requires non-price cap companies, and telephone companies with which they are affiliated, to become subject to price cap regulation after acquiring a price cap company or any part thereof. 47 C.F.R. 61.41(c).

⁵ *Id. Petition* at ii.

⁶ *See Petition* at 9-10. Petitioners also have demonstrated that grant of the waiver is in the public interest. They show that the resulting transaction will provide customers with "additional access to voice mail, additional choice in long distance service providers, local Internet dial-up access, greater access to advanced services, and improved customer and community services." Additionally, Petitioners attached a copy of a letter to the Commission from the Arkansas Public Service Commission (PSC), in which the PSC states it has no opposition to grant of this waiver by the Commission.

CenturyTel requests waiver of section 69.3(g)(2)⁷ of Commission rules, in order to return all of the acquired lines to the NECA common line pool (the "one-way pooling rule.") As Petitioners explain, this rule was adopted as part of the Commission's implementation of changes in its former mandatory common line pooling rules, and was intended to prevent transfer of costs between and among pooling versus non-pooling companies, when mandatory common line pooling ended, and also to prevent instability within the pool.⁸ Petitioners further point out that the Commission recognized, when it instituted the one-way pooling rule, that this requirement should not deter local exchange carriers from executing a transaction that would otherwise be desirable, and this was the reason for setting the threshold for waiver requests at 50,000 lines.⁹ Grant of the instant *Petition* would enable CenturyTel to return lines to the common line pool previously removed by GTE when it withdrew from common line pool participation in 1989, a business decision deemed appropriate by GTE at that time, but which CenturyTel asserts is not correct for itself. CenturyTel also points out the availability of long-term support (LTS) that will be attributed to these additional lines will be essential for CenturyTel to charge a competitive rate to its interstate access customers.¹⁰

⁷ Section 69.3(g)(2) provides that a NECA common line tariff participant that is not party to an acquisition may include newly acquired properties in the common line tariff, as long as the net addition of common lines resulting from the transaction does not exceed 50,000, and provided that if any acquired lines are returned to the tariff, then all of the lines must be returned. 47 C.F.R. § 69.3(g)(2).

⁸ *Petition* at 16-17.

⁹ *Id.* at 17.

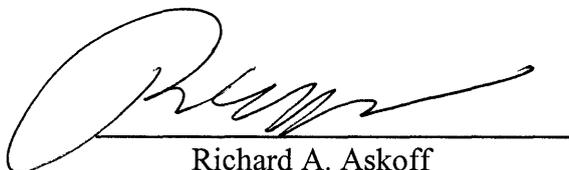
¹⁰ *Id.*

For the reasons stated in the *Petition*, NECA supports grant of the requested waiver. Further, NECA affirms that addition of the GTE lines to the common line pool will not significantly impact common line pool revenue requirements, and will not impose any undue administrative burdens on NECA.

Respectfully submitted,

NATIONAL EXCHANGE CARRIER
ASSOCIATION, INC.

Joe A. Douglas
Senior Regulatory Manager

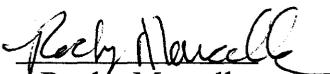


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CERTIFICATE OF SERVICE

I hereby certify that copy of the Comments was served this 17th day of March 2000, by electronic delivery or first class mail, to the persons listed below.

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