ALLTEL CORPORATION
601 Pennsylvania Avenue, N.W.
Suite 720
Washington, DC 20004
202-783-3970
202-783-3982 fax

ORIGINAL

ALLTEL

EX PARTE OR LATE FILED

December 7, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W. Room TW-A325
Washington, D.C. 20554

Re: Oral Ex Parte Communications
Gulf of Mexico Cellular Proceeding
WT Docket No. 97-112; CC Docket No. 90-6

Petition for Partial Forbearance from
CMRS Number Portability
CC Docket No. 01-184

Revision to Rules to Ensure Compatibility with
Enhanced 911 Emergency Calling Systems
CC Docket No. 94-102

ALLTEL Communications, Inc.
Request for Waiver
DA-01-1866

Dear Ms. Salas:

ALLTEL Communications, Inc. hereby provides notice of an ex parte presentation made on December 6, 2001 by Glenn S. Rabin to Bryan Tramont, Esq. of Commissioner Abernathy's office primarily with respect to the Gulf of Mexico Cellular Proceeding. In response to Mr. Tramont's inquiry, the other matters referenced above were briefly discussed.

With respect to the Gulf of Mexico Cellular Proceeding, ALLTEL reiterated its positions contained in its October 10, 2001 written ex parte in this matter (copy attached) that neither the court remand, nor the Commission vacated the GMSA SAB propagation formula now contained in Section 22.911(a)(2) of the rules. Consequently, the recent claims that GMSA licensees are entitled to a 39 dBu contour signal strength at the GMSA border are unsupported under current rules and belied by the record in this proceeding. ALLTEL noted that while it is resigned to status quo in the Gulf of Mexico West of the

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Florida border, relief remains necessary along the Gulf Coast of Florida in order to improve land-based service. Consequently, ALLTEL requested that the Commission issue its decision in this matter as expeditiously as possible.

ALLTEL, with respect to E-911 matters, noted that it is continuing to work with the PSAPs in its service territories and its vendors in order to provide reliable Phase II service at the earliest possible time. ALLTEL noted that it was forced to make a minor modification of its Phase II deployment timetable in order to accommodate further testing of the Lucent MPC/PDE, and to provide for a delayed general availability date for the units.

As to number portability issues, ALLTEL noted that it was gravely concerned that rural carriers would not be able to support nationwide roaming through a separation of MIN/MDN in time to meet the Commission's current deadlines.

An original and five copies of this letter are being filed in order to permit a copy to be placed in each of the various dockets. Please address any questions respecting this filing to the undersigned at the above-address.

Very truly yours,

Glenn S. Rabin
Vice President
Federal Regulatory Affairs
ALLTEL Communications, Inc.

Cc: Bryan Tramont, Esq.

Attachment

STAMP & Return

ALLTEL CORPORATION
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ALLTEL

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OFFICE OF THE SECRETARY

October 10, 2001

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DEC - 7 2001
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Re: Written Ex Parte Communication
Gulf of Mexico Cellular Proceeding
WT Docket No. 97-112; CC Docket No. 90-6

Dear Ms. Salas:

ALLTEL Communications, Inc. ("ALLTEL"), hereby submits this written Ex Parte presentation[1] in response to the September 21, 2001 Ex Parte presentation (and written summary thereof dated September 24, 2001) made by Petroleum Communications, Inc. ("Petrocom") in the above-referenced matter.

As an initial matter, ALLTEL takes serious issue with the basic premise of Petrocom's presentation: that the Court's order to vacate Section 22.903(a) [now 22.911(a)] of the rules applied to both the territorial delineation of the Gulf of Mexico Service Area ("GMSA") as determined by composite Service Area Boundary ("SAB") contours *and the propagation formula under which those SAB contours were calculated.* [Emphasis added]. A fair reading of the decision clearly shows that the Court was strictly concerned with the determination of the territorial scope of the GMSA. This concern was adequately addressed by the Commission in its note to Section 22.911(a) restoring the GMSA to a geographically based market and one in which the Gulf carriers would not be subject to a "use it or loose it" phenomenon.

Neither the Court nor the Commission, however, took issue with the GMSA SAB propagation formula now contained in Section 22.911(a)(2) of the rules – and for good reason. While the delineation of CGSA is vitally important to all cellular licensees (it determines the area in which the licensee is afforded protection), SAB contour calculations for Gulf licensees in the wake of the remand had no bearing on CGSA determinations (i.e. the GMSA was geographically defined). Rather, the GMSA propagation formula directly relates to the degree of protection which GMSA licensees

[1] An original and three copies of this written presentation have been submitted to ensure sufficient copies for inclusion in both dockets referenced in this proceeding.

must afford to adjoining land-based carriers; i.e. it serves as the basis by which contour overlap from GMSA systems into the CGSA of a land-based system is calculated.

Petrocom now apparently asserts Gulf carriers are entitled to a 39dBu SAB contour at the boundary of GMSA. This is a creative, but unsupportable, reading of the Commission's rules and inconsistent with engineering practice in the Gulf. If true, Petrocom's previous pleas for equal signal strength between Gulf and land-based carriers must be called into question, for under Petrocom's new view of the RF propagation rules, GMSA carriers have been entitled to a *stronger* signal strength than land-based carriers for years. Petrocom's new found distaste for the GMSA propagation formula is all the more surprising given that Petrocom developed and advocated use of the formula to the Commission in the first instance.

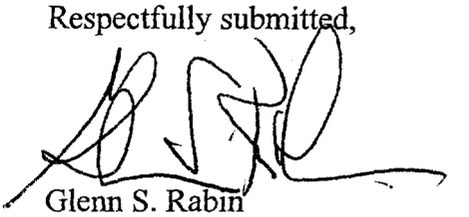
Petrocom argues that there is no basis for the GMSA contour formula once the FCC abandons the "use of loose it rule." But as noted above, the contour propagation formula has a separate and distinct purpose beyond calculation of CGSA – it sets forth the basis for protection of the land-based carrier's CGSA, which is determined by areas of predicted service. Given that land-based carriers are confronted with propagation environments which differ from the Gulf (i.e. there really are buildings and other obstructions on land not present in the Gulf that result in signal attenuation) the differences in signal strengths between land-based and GMSA based systems are fully justified and should be retained.

According to Petrocom, adopting its advocated rule change would place Gulf-based and land-based carriers on equal footing and promote negotiation of extension and co-location agreements. But these negotiations have been ongoing and successful in the absence of any rule change as Petrocom has continually argued, and as the Commission, in the wake of the ALLTEL/Coastel settlement, now knows. Rather than promote settlement, Petrocom's latest proposal would upset the delicate balance of agreements recently reached in the Gulf, and enhance the Gulf carriers position over the status quo at the expense of the land-based carriers. Petrocom's last minute attempt to obtain additional signal strength by rule, when the same relief is available through negotiation is counter productive, particularly at this late stage in this proceeding.

ALLTEL, having reached an accord with its B-block counterpart operating in the Gulf, is resigned to maintaining the current status quo in the Western portion of the Gulf beyond the coast of Florida. The Gulf carriers may have their CGSA in that area geographically defined as the coastline and retain the 28dBu SAB contour standard at the border. ALLTEL, however, believes that immediate and critical service deficiencies continue to remain along the Florida coast due to the prolonged pendency of this proceeding. While willing to accept the status quo in the Western Gulf, ALLTEL urges the Commission to adopt a rule that permits land-based carriers to immediately extend their SAB contours into the Gulf along the coast of Florida. This requested relief is not inconsistent with the Petrocom/ US Cellular joint proposal as it applies to the Florida coast.

ALLTEL would be please to provide the Commission's staff with such further information or comments as they may require.

Respectfully submitted,



Glenn S. Rabin
Vice President
Federal Regulatory Affairs
ALLTEL Corporation

Cc: David Furth
Roger Noel
Linda Chang
Michael Ferrante