

**ORIGINAL**

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of )  
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Federal-State Joint Board on )  
Universal Service )  
 )  
RCC Holdings, Inc. )  
 )  
Petition for Designation as an )  
Eligible Telecommunications Carrier )  
in the State of Alabama )

CC Docket No. 96-45/  
**RECEIVED**

MAR 19 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Common Carrier Bureau

**Petition for Designation as an Eligible Telecommunications Carrier  
in the State of Alabama**

RCC Holdings, Inc. ("RCC"), by counsel and pursuant to Section 214(e)(6) of the Commission's Act of 1934, as amended, 47 U.S.C. §214(e)(6), hereby petitions the Commission for designation as an Eligible Telecommunications Carrier ("ETC") throughout its licensed service area in the State of Alabama. As demonstrated below, RCC meets all the statutory and regulatory prerequisites for ETC designation, and designating RCC as an ETC will serve the public interest.

**I. RCC's Universal Service Offering**

RCC is the A-Band licensee authorized to provide cellular radiotelephone service in the Alabama 3, 4, 5, and 7 Rural Service Areas ("RSAs"), Cellular Market Areas 309, 310, 311, and 313. The Company intends to obtain high cost loop support funding in order to speed the delivery of advanced wireless services to Alabama's citizens. As an ETC, RCC will also offer a basic universal service package to subscribers who are eligible for Lifeline support. RCC expects that its service offering will be competitive with those of the incumbent wireline carriers.

RCC currently provides all the services and functionalities supported by the federal universal service program, enumerated in Section 54.101(a) of the Commission's Rules, throughout its cellular service area in Alabama. Upon designation as an ETC, RCC will make available to consumers a universal service offering over its cellular network infrastructure, using the same antenna, cell-site, tower, trunking, mobile switching, and interconnection facilities used by the company to serve its existing conventional mobile cellular service customers. RCC will provide service to any customer requesting this service within the designated service area.

**II. RCC Satisfies All The Statutory And Regulatory Prerequisites For Designation As An ETC.**

RCC satisfies each of the five elements required for ETC designation by the FCC pursuant to Section 214(e)(6) set forth in the FCC's *Section 214(e)(6) Public Notice*<sup>1</sup>, as shown below.

**A. The Alabama Public Service Commission Has Provided an Affirmative Statement That it Does Not Regulate CMRS Carriers.**

As a CMRS carrier, RCC is entitled to seek designation as an ETC.<sup>2</sup> Section 254(e) of Act, 47 U.S.C. §254(e), provides that "only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific Federal universal service support." 47 U.S.C. §214(e). Pursuant to 47 U.S.C. §214(e)(6), the Commission may, upon request, designate as an ETC "a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State Commission."

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<sup>1</sup> *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, Public Notice*, 12 FCC Rcd 22947 (1997) ("*Section 214(e)(6) Public Notice*").

<sup>2</sup> *See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, First Report and Order*, 12 FCC Rcd 8776, 8858-59 (1997) ("*First Report and Order*").

In the *Section 214(e)(6) Public Notice*, the Commission established that a carrier must demonstrate it “is not subject to the jurisdiction of a state commission.”<sup>3</sup> In its *Twelfth Report and Order* in this docket, the Commission stated that where a carrier provides the Commission with an “affirmative statement” from the state commission or a court of competent jurisdiction that the state lacks jurisdiction to perform the designation, the Commission would consider requests filed pursuant to 214(e)(6).<sup>4</sup>

On October 19, 2001, Administrative Law Judge John A. Garner of the Alabama Public Service Commission (“PSC”) determined that the Alabama PSC does not have jurisdiction over CMRS carriers. Judge Garner’s letter, a copy of which is attached hereto as Exhibit A, stated, “the APSC has no authority to regulate in any respect cellular services, broadband personal communications services and commercial mobile radio services in Alabama.” Judge Garner directed the applicant to file its request for ETC status with the FCC, which request was filed on November 26, 2001.<sup>5</sup> The PSC has clearly indicated it does not intend to designate CMRS carriers as ETCs. Accordingly, RCC requests ETC designation as “a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission.” 47 U.S.C. §214(e)(6).

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<sup>3</sup> *Section 214(e)(6) Public Notice*, at 22948.

<sup>4</sup> *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas, Twelfth Report and Order, and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 12208, 12264 (2000).

<sup>5</sup> See Public Notice, DA 01-2841 (released December 7, 2001).

**B. RCC Offers All Of The Services Supported By The Federal High-Cost Universal Service Program.**

In order to be designated as an ETC, a carrier must be a common carrier and must offer and advertise the supported services throughout the designated service area. 47 U.S.C. §214(e)(1). The FCC has identified the following services and functionalities as the core services to be offered by an ETC and supported by federal universal service support mechanisms:

1. voice-grade access to the public switched telephone network;
2. local usage;
3. dual tone multi-frequency signaling or its functional equivalent;
4. single-party service or its functional equivalent;
5. access to emergency services;
6. access to operator services;
7. access to interexchange service;
8. access to directory assistance; and
9. toll limitation for qualifying low-income consumers.

47 C.F.R. § 54.101(a).

According to the *Section 214(e)(6) Public Notice*, a certification that the carrier provides each of the supported services is required.<sup>6</sup> As shown below and in the Declaration attached as Exhibit B hereto, RCC now provides or will provide, upon designation, the required services.

1. Voice-grade access to the public switched telephone network. The FCC concluded that voice-grade access means the ability to make and receive phone calls, within a bandwidth of approximately 2700 Hertz within the 300 to 3000 Hertz frequency range.<sup>7</sup> RCC meets this requirement by providing voice-grade access to the public switched telephone network. Through its interconnection arrangements with BellSouth Telecomm Inc. (“BellSouth”) and other Local

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<sup>6</sup> *Section 214(e)(6) Public Notice*, at 22948.

<sup>7</sup> *First Report and Order*, at 8810-11.

Exchange Carriers (“LECs”), all customers of RCC are able to make and receive calls on the public switched telephone network within the specified bandwidth.

2. Local Usage. Beyond providing access to the public switched network, an ETC must include local usage as part of a universal service offering. To date, the FCC has not quantified a minimum amount of local usage required to be included in a universal service offering, but has initiated a separate proceeding to address this issue.<sup>8</sup> As it relates to local usage, the NPRM sought comments on a definition of the public service package that must be offered by all ETCs. Specifically, the FCC sought comments on how much, *if any*, local usage should be required to be provided to customers as part of a universal service offering.<sup>9</sup> In the *First Report and Order*, the FCC deferred a determination on the amount of local usage that a carrier would be required to provide.<sup>10</sup> Any minimum local usage requirement established by the FCC as a result of the *October 1998 NPRM* will be applicable to all designated ETCs, not simply wireless service providers. RCC will comply with any and all minimum local usage requirements adopted by the FCC. RCC will meet the local usage requirements by including a variety of local usage plans as part of a universal service offering.

3. Dual-tone, multi-frequency (“DTMF”) signaling, or its functional equivalent.

DTMF is a method of signaling that facilitates the transportation of call set-up and call detail

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<sup>8</sup> See *Federal-State Joint Board on Universal Service, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 13 FCC Rcd 21252 (1998) (“*October 1998 NPRM*”).

<sup>9</sup> *October 1998 NPRM*, at 21277-21281.

<sup>10</sup> *First Report and Order*, at 8813. See also, *Western Wireless Corporation*, 16 FCC Rcd 48, 52-53 (2000), *aff’d*, FCC 01-311 (October 19, 2001); *Cellco Partnership*, 16 FCC Rcd 39, 42 (2000).

information. Consistent with the principles of competitive and technological neutrality, the FCC permits carriers to provide signaling that is functionally equivalent to DTMF in satisfaction of this service requirement. 47 C.F.R. § 54.101(a)(3). RCC currently uses out-of-band digital signaling and in-band multi-frequency (“MF”) signaling that is functionally equivalent to DTMF signaling. RCC therefore meets the requirement to provide DTMF signaling or its functional equivalent.

4. Single-party service or its functional equivalent. “Single-party service” means that only one party will be served by a subscriber loop or access line in contrast to a multi-party line.<sup>11</sup> The FCC concluded that a wireless provider offers the equivalent of single-party service when it offers a dedicated message path for the length of a user’s particular transmission.<sup>12</sup> RCC meets the requirement of single-party service by providing a dedicated message path for the length of all customer.calls.

5. Access to emergency services. The ability to reach a public emergency service provider by dialing 911 is a required service in any universal service offering. Phase I E911, which includes the capability of providing both automatic numbering information (“ANI”) and automatic location information (“ALI”), is only required if a public emergency service provider makes arrangements with the local provider for the delivery of such information.<sup>13</sup> RCC currently provides all of its customers with access to emergency service by dialing 911 in satisfaction of this requirement.

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<sup>11</sup> *First Report and Order*, 12 FCC Rcd at 8810.

<sup>12</sup> *Id.*

<sup>13</sup> *See Id.*, at 8815-17.

6. Access to operator services. Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call.<sup>14</sup> RCC meets this requirement by providing all of its customers with access to operator services provided by either the Company or other entities (e.g., LECs, IXC, etc.)

7. Access to interexchange service. A universal service provider must offer consumers access to interexchange service to make and receive toll or interexchange calls. Equal access, however, is not required. “The FCC do[es] not include equal access to interexchange service among the services supported by universal service mechanisms.”<sup>15</sup> RCC presently meets this requirement by providing all of its customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements the Company has with several IXCs. Additionally, customers are able to reach their IXC of choice by dialing the appropriate access code.

8. Access to directory assistance. The ability to place a call to directory assistance is a required service offering.<sup>16</sup> RCC meets this requirement by providing all of its customers with access to directory assistance by dialing “411” or “555-1212”.

9. Toll limitation for qualifying low-income consumers. An ETC must offer either “toll control” or “toll blocking” services to qualifying Lifeline customers at no charge. The FCC no longer requires an ETC to provide both services as part of the toll limitation service required under

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<sup>14</sup> *Id.*, at 8817-18.

<sup>15</sup> *Id.*, at 8819.

<sup>16</sup> *Id.*, at 8821.

47 C.F.R. § 54.101(a)(9).<sup>17</sup> In particular, all ETCs must provide toll blocking, which allows customers to block the completion of outgoing toll calls.<sup>18</sup> RCC currently has no Lifeline customers because only carriers designated as an ETC can participate in Lifeline. *See* 47 C.F.R. §§ 54.400-415. Once designated as an ETC, RCC will participate in Lifeline as required, and will provide toll blocking capability in satisfaction of the FCC’s requirement. Today, the Company provides toll-blocking services for international calls and customer selected toll calls. Accordingly, RCC currently has the technology to provide toll blocking and will use this technology to provide the service to its Lifeline customers, at no charge, as part of its universal service offerings.

**C. RCC Will Offer Supported Services Through its Own Facilities.**

The Commission’s *Section 214(e)(6) Public Notice* established that a carrier requesting designation must certify that it offers the supported services “either using its own facilities or a combination of its own facilities and resale of another carrier’s services.”<sup>19</sup> RCC will provide the supported services using its existing network infrastructure, which includes the same antenna, cell-site, tower, trunking, mobile switching, and interconnection facilities used by the company to serve its existing conventional mobile cellular service customers. *See also* Exhibit B hereto.

**D. RCC Will Advertise its Universal Service Offering.**

RCC will advertise the availability of the supported services and the corresponding charges in a manner that fully informs the general public within the designated service area of the services

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<sup>17</sup> *See Universal Service Fourth Order on Reconsideration in CC Docket No. 96-45, Report and Order in CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72, 13 FCC Rcd 5318 (1997).*

<sup>18</sup> *First Report and Order*, at 8821-22.

<sup>19</sup> *Section 214 Public Notice*, at 22949.

and charges.<sup>20</sup> RCC currently advertises its wireless services through several different media. RCC will use media of general distribution that it currently employs to advertise its universal service offerings throughout the service areas designated by the Commission. RCC will comply with all form and content requirements, if any, promulgated by the FCC in the future and required of all designated ETCs.

### **III. RCC Requests Designation Throughout Its Licensed Service Area In Alabama**

RCC is not a “rural telephone company” as that term is defined by 47 U.S.C. 153(37). Accordingly, RCC is required to describe the geographic area in which it requests designation.<sup>21</sup> RCC requests ETC designation for its entire licensed service area in Alabama. A map of RCC’s proposed ETC service area is attached hereto as Exhibit C.

Under FCC Rule Section 54.207, a “service area” is a “geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms.” 47 C.F.R. §54.207(a). For non-rural service areas, there are no restrictions on how a state commission defines the “service area” for purposes of designating a competitive ETC. Therefore, the FCC may designate RCC as an ETC in the non-rural wire centers set forth at Exhibit D. To the extent RCC serves only a portion of the wire center listed at Exhibit D, RCC requests ETC designation in that portion of the wire center where it provides service.<sup>22</sup>

In an area served by a rural telephone company, the FCC’s rules define “service area” to

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<sup>20</sup> See Section 214(e)(6) Public Notice, 12 FCC Rcd at 22949.

<sup>21</sup> *Id.*

<sup>22</sup> Those wire centers that RCC partially serves are indicated on Exhibit D with the word “partial.”

mean the ILEC study area unless a different definition of service area is established for such company.<sup>23</sup> The rural ILEC study areas that RCC serves in their entirety are set forth in Exhibit E hereto. The Commission may designate RCC as an ETC in those areas upon finding that such designation would be in the public interest (see Section V below).<sup>24</sup>

In situations where RCC is not licensed to serve a rural ILEC study area in its entirety, RCC may be designated as an ETC once the FCC redefines the ILEC's service area in accordance with FCC rule section 54.207(c)(1). The rural ILEC service areas that RCC is not licensed to serve completely are listed on Exhibit F hereto. Where RCC serves only a portion of the wire center listed, it requests that it be designated as an ETC in that portion of the wire center which it serves.<sup>25</sup>

Because the Alabama PSC does not have jurisdiction to designate RCC as an ETC, the FCC has jurisdiction to consider a redefinition of the ILEC service areas in Alabama for ETC purposes, as set forth in Section IV below.

#### **IV. RCC Requests That Affected Rural ILEC Service Areas Be Redefined.**

Pursuant to 47 C.F.R. §54.207(c)(1), a petition to redefine a rural ILEC service area must contain, "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

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<sup>23</sup> See, 47 C.F.R. §54.207(b); See also *Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, Fourteenth Report and Order, Twenty Second Order on Reconsideration, and Further Notice of Proposed Rulemaking*, 23 CR 1338, 1379-86 (May 23, 2001).

<sup>24</sup> 47 U.S.C. §214(e)(2).

<sup>25</sup> Those wire centers that RCC partially serves are indicated on Exhibit F with the word "partial."

rural telephone company.” RCC requests that the Commission redefine all service areas set forth in Exhibit F so that each rural LEC wire center is classified as a separate service area. With respect to the service areas of Butler Telephone Company (“Butler”) and Alltel Alabama (“Alltel”), the Commission may choose an alternative definition. In the cases of Butler and Alltel, RCC serves one portion of the service area completely and does not serve another noncontiguous portion of the service area. Accordingly, the Commission may prefer to define the contiguous wire centers that RCC serves as one service area and the noncontiguous wire centers that RCC does not serve as a separate service area. A description of the wire centers covered by RCC and those not covered is set forth on Exhibit G hereto.

The FCC recently adopted a plan for disaggregation of rural LEC study areas in its *Fourteenth Report and Order*, noting that such action “achieves a reasonable balance between rural carriers’ needs for flexibility and the Commission’s goal of encouraging competitive entry.”<sup>26</sup> In the instant case, reclassifying rural LEC service areas for ETC purposes is necessary in order to facilitate competitive entry.

In the Recommended Decision which laid the foundation for the FCC’s *First Report and Order*, the Federal-State Joint Board enumerated three factors to be considered when redefining a rural service area.<sup>27</sup> First, the Joint Board advised the state commission to consider whether the competitive carrier is attempting to “cream skim” by only proposing to serve the lowest cost

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<sup>26</sup> *Federal-State Joint Board on Universal Service, Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, Fourteenth Report and Order*, FCC 01-157, Docket 96-45, 23 CR 1338, 1381 (May 23, 2001) (“*Fourteenth Report and Order*”).

<sup>27</sup> *Federal-State Joint Board on Universal Service, Recommended Decision*, 12 FCC Rcd 87 (1996).

exchanges.<sup>28</sup> As a wireless carrier, RCC is restricted to providing service in those areas where it is licensed by the FCC. RCC is not picking and choosing the lowest cost exchanges. RCC has based its requested ETC area solely on its licensed service area and proposes to serve its entire service area.

Second, the Joint Board urged the Commission to consider the rural carrier's special status under the Telecommunications Act of 1996.<sup>29</sup> In deciding whether to award ETC status to RCC, the Commission will weigh numerous factors and will consider how the public interest is affected by an award of ETC status pursuant to 47 U.S.C. § 214(e)(2). Congress mandated this public interest analysis in order to protect the special status of rural carriers in the same way it established special considerations for rural carriers with regard to interconnection, unbundling, and resale requirements.<sup>30</sup> Accordingly, if the Commission finds that RCC's ETC designation is in the public interest, it has duly recognized the special status of the rural carrier for purposes of determining whether RCC's service area designation should be adopted for federal universal service funding purposes. No action in this proceeding will affect or prejudice any future action this Commission or the Alabama PSC may take with respect to the LECs' status as a rural telephone company.

Finally, the Federal-State Joint Board recommended that the FCC consider the administrative burden a rural LEC would face by calculating its costs on a basis other than its entire study area.<sup>31</sup> In the instant case, RCC is proposing to redefine rural LEC service areas solely for ETC designation purposes. Redefining service areas for ETC purposes will in no way impact the way the affected

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<sup>28</sup> *Recommended Decision*, 12 FCC Rcd 87, at para. 180.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

rural LECs calculate their costs, but it is solely to determine the LEC area in which RCC is to be designated as an ETC. LECs may disaggregate their study areas to reallocate high cost loop support payments pursuant to the FCC's Fourteenth Report and Order.<sup>32</sup> Accordingly, redefining rural LEC service areas as proposed in this Petition will not impose any additional burdens on rural LECs.

**V. A Grant of This Application Will Serve the Public Interest.**

Because RCC is seeking designation in areas served by rural LECs, the FCC must consider public interest factors prior to designating RCC as an ETC. 47 U.S.C. §214(e)(6). Designating RCC as an ETC in Alabama would further the public interest by bringing the benefits of competition to an underserved marketplace.

The FCC has recognized the advantages wireless carriers can bring to the universal service program. In particular, the FCC has found that “imposing additional burdens on wireless entrants would be particularly harmful to competition in rural areas, where wireless carriers could potentially offer service at much lower costs than traditional wireline service.”<sup>33</sup> One of the principal goals of the Telecommunications Act of 1996 was to “promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.”<sup>34</sup> Competition drives down prices and promotes the development of advanced communications as carriers vie for a

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<sup>32</sup> *Fourteenth Report and Order; Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers Federal-State Joint Board on Universal Service, Second Report and Order and Further Notice of Proposed Rulemaking*, 25 CR 1 (November 8, 2001).

<sup>33</sup> *First Report and Order*, 12 FCC Rcd. 8776, 8881-8882.

<sup>34</sup> Telecommunications Act of 1996, Public Law, 104-104, 100 Stat. 56 (1996).

consumer's business.

In its decision to designate Western Wireless as an ETC in the State of Wyoming, the FCC observed, "Designation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies."<sup>35</sup> Similarly, in designating the cellular carrier Smith Bagley, Inc. as an ETC in Arizona, the state commission found competitive entry to provide additional consumer choice and a potential solution to "health and safety risks associated with geographic isolation."<sup>36</sup> More recently, in designating Guam Cellular and Paging, Inc. as an ETC in the territory of Guam, the Commission found that the designation of Guamcell as an ETC in the area served by the rural telephone company in Guam would serve the public interest "by promoting competition and the provision of new technologies to consumers in high cost and rural areas of Guam."<sup>37</sup>

Designating RCC as an ETC will bring to consumers the benefits of competition, including increased choices, higher quality service, and lower rates. In a competitive market, rural consumers will be able to choose the services that best meet their communications needs. With a choice of service providers, the consumer is able to select a provider based on service quality, service availability, and rates. Without competition, the incumbent provider has little or no incentive to introduce new, innovative, or advanced service offerings.

The public interest standard under Section 214(e)(2) for designating ETCs in territories

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<sup>35</sup> *Western Wireless Corporation*, DA 00-2896 (released December 26, 2000) ("*Wyoming Order*"), 16 FCC Rcd 48, 55; *aff'd*, FCC 01-311 (released October 19, 2001), at ¶19.

<sup>36</sup> *Smith Bagley, Inc., Order*, Decision No. 63269, Docket No. T-02556A-99-0207 (Arizona, December 15, 2001), at p. 12.

<sup>37</sup> *Guam Cellular and Paging, Inc.*, DA 02-174, (released January 25, 2002).

served by rural telephone companies emphasizes competition and consumer benefit, not incumbent protection. In considering the impact that Western Wireless' ETC designation would have on rural telephone companies the Commission said, "[W]e believe that competition may provide incentives to the incumbent to implement new operating efficiencies, lower prices, and offer better service to its customers."<sup>38</sup> Further, Congress has mandated that universal service provisions be "competitively neutral" and "necessary to preserve and advance universal service." See, 47 U.S.C. §253(b). Designating RCC as an ETC would give those in rural areas in Alabama advanced telecommunications options.

RCC will implement a variety of service offerings and rate plans that will be competitive with incumbent service offerings and affordable to Alabama's consumers. RCC commits that its local calling area will be at least as large as the incumbent LEC, and RCC believes that in all cases its local calling area will be substantially larger, which will reduce intra-LATA toll charges typically associated with wireline service. RCC will implement number portability and E-911 services in compliance with all state and federal requirements, which will improve service to Alabama citizens.

RCC commits to use available federal high cost support for its intended purposes - the construction, maintenance and upgrading of facilities serving the rural areas for which support is intended. As of this date, RCC can conceive of no business plan for remote rural areas which supports deploying the type of robust wireless network required to compete on a level playing field with incumbent carriers. Wireless telephone service is today a convenience, but in most rural areas it cannot be counted on as a potential replacement for wireline service unless high cost loop support is made available to drive infrastructure investment. Indeed, without the high cost program it is

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<sup>38</sup> *Id.* at ¶ 22.

doubtful that many rural areas would have wireline telephone service even today. Provision of high cost support to RCC will begin to level the playing field with the incumbent LECs and make available for the first time a potential competitor for primary telephone service in remote areas of Alabama.

#### **VI. High-Cost Certification**

Under FCC Rule Sections 54.313 and 54.314, carriers wishing to obtain high-cost support must either be certified by the appropriate state commission or, where the state commission does not exercise jurisdiction, must self-certify with the FCC and the Universal Service Administrative Corporation (“USAC”) their compliance with Section 254(e) of the Federal Telecommunications Act of 1996. As explained above, the PSC does not exercise jurisdiction over CMRS carriers such as RCC. Therefore, in accordance with Section 54.313(b) and 54.314(b), RCC has submitted its high-cost certification with the FCC and USAC. A copy of this certification is attached hereto as Exhibit H. RCC respectfully requests that the Commission issue a finding that RCC has met the high-cost certification requirement and that RCC is, therefore, entitled to begin receiving high-cost support as of the date it receives a grant of ETC status in order that funding will not be delayed.<sup>39</sup>

#### **VII. Anti-drug Abuse Certification**

RCC certifies that no party to this petition is subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862. *See* Exhibit I hereto.

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<sup>39</sup> *See* Cellular South License, Inc. Petition for Waiver of FCC Rule Section 54.313, filed January 9, 2002; Guam Cellular and Paging, Inc. Petition for Waiver of FCC Rule Section 54.314, filed February 6, 2002.

**VIII. Conclusion**

RCC respectfully requests the Commission to designate it as an ETC on an expedited basis.

Respectfully submitted,

**RCC Holdings, Inc.**

By 

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