

PUBLIC NOTICE



Federal Communications Commission
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DA 03-389

**WIRELINE COMPETITION BUREAU SEEKS COMMENT
ON LOUISIANA UNWIRED, LLC PETITION FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN
CERTAIN NON-RURAL SERVICE AREAS IN THE STATE OF ALABAMA**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: February 10, 2003

Comment Due: February 24, 2003
Reply Comments Due: March 3, 2003

On January 29, 2003, Louisiana Unwired, LLC (Louisiana Unwired) filed with the Commission a petition under section 214(e)(6) of the Communications Act of 1934, as amended,¹ seeking designation as an eligible telecommunications carrier (ETC) to receive federal universal service support for service offered in those portions of Louisiana Unwired's licensed service area located in non-rural study areas in Alabama, currently served by BellSouth Telecomm Inc. – AL, BellSouth Telecomm Inc. – GA, Bell South Telecomm Inc. – MS, CenturyTel of Alabama, LLC (Northern), and CenturyTel of Alabama, LLC (Southern).² Louisiana Unwired contends that the Alabama Public Service Commission (Alabama Commission) lacks jurisdiction to consider Louisiana Unwired's petition because wireless carriers are not subject to state jurisdiction in Alabama.³ Hence, according to Louisiana Unwired, the Commission has jurisdiction under section 214(e)(6) to consider and grant its petition.⁴ Louisiana Unwired also maintains that it satisfies all the statutory and regulatory

¹ 47 U.S.C. § 214(e)(6).

² See *Louisiana Unwired, LLC Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama*, filed January 29, 2003 (Louisiana Unwired Petition). Louisiana Unwired requests ETC designation for 116 wire centers in Alabama currently served by BellSouth and CenturyTel. See Louisiana Unwired Petition at 1 and Exhibit D.

³ Louisiana Unwired Petition at 3 and Exhibit A.

⁴ *Id.* at 3-4.

prerequisites for ETC designation,⁵ and that designating Louisiana Unwired as an ETC will serve the public interest.⁶ The Wireline Competition Bureau seeks comment on the Louisiana Unwired petition.

The petitioner must provide copies of its petition to the Alabama Commission at the time of filing with the Commission. The Commission will also send a copy of this Public Notice to the Alabama Commission by overnight express mail to ensure that the Alabama 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 on or before **February 24, 2003**, and reply comments on or before **March 3, 2003**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

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 sent to the Commission's Secretary, Marlene H. Dortch, Office of the

⁵ *Id.* at 4-8

⁶ *Id.* at 9.

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