

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

In the Matter of)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Cellular South Licenses, Inc.)	
)	
Petition for Designation as)	
Eligible Telecommunications Carrier)	
Throughout its Licensed Service Area)	
in the State of Alabama)	
 To: The Commission		

RESPONSE TO MOTION TO DISMISS

The Alabama Rural Local Exchange Carriers (“Alabama Rural LECs”), by their attorneys, hereby respond to the Motion to Dismiss filed by Cellular South Licenses, Inc. (“CellSouth”) on May 19, 2004 and received by U.S. Mail on May 24, 2004. The Alabama Rural LECs filed their Supplement (“*Supplement*”) to Application for Review on May 14, 2004 in accordance with the Commission’s Public Notice released April 12, 2004, DA 04-999 (“*ETC Notice*”).

According to the *ETC Notice*, the initial round was “solely for the purpose of allowing parties to supplement their own petitions and applications”. The Alabama Rural LECs are listed on the *ETC Notice* as a party with a pending Application for Review. CellSouth is not. The Alabama Rural LECs filed their Supplement in the initial round and believe that the same is properly before this Commission in response to the *ETC Notice*. Conversely, CellSouth is not listed as a party with an affected Petition or Pending Application. If a Supplement is due to be dismissed, the Alabama Rural LECs believe that it is the Supplement of CellSouth as filed on

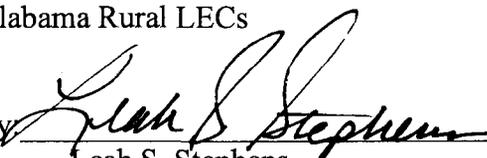
May 14, 2004. CellSouth will have until May 28, 2004 to comment on the Supplement to Application for Review as filed by the Alabama Rural LECs on May 14, 2004.

The Alabama Rural LECs respectfully request that the Commission deny the Motion to Dismiss of CellSouth and dismiss the unauthorized Supplement of CellSouth as untimely.

Respectfully submitted,

Alabama Rural LECs

By



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May 25, 2004

CERTIFICATE OF SERVICE

I, Leah S. Stephens, hereby certify that on this 25th day of May, 2004, a true and correct copy of the above and foregoing RESPONSE TO MOTION TO DISMISS, unless otherwise designated, have been forwarded by U.S. Mail, first class, postage prepaid and properly addressed to:

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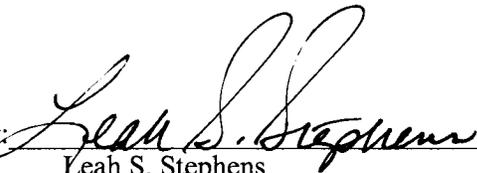
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By: 
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***via overnight delivery**

****via U.S. Mail and E-mail**