

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

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

**MOTION TO DISMISS**  
**OR, IN THE ALTERNATIVE, MOTION FOR EXTENSION OF TIME**

The Alabama Rural Local Exchange Carriers (“Alabama Rural LECs”), by their attorneys, hereby request that the Commission summarily dismiss the Opposition to Supplement to Application for Review of the Alabama Rural LECs filed by RCC Holdings, Inc. (“RCC”) on June 1, 2004 (“*Opposition*”). The *Opposition* provides that it is filed “pursuant to § 1.115(d) of the Commission’s Rules.”<sup>1</sup>

The Alabama Rural LECs filed their Supplement to Application for Review (“*Supplement*”) in response to the Commission’s express invitation in the *ETC Notice*.<sup>2</sup> The *Supplement* was not filed pursuant to § 1.115(d), rendering all of RCC’s motions and filings seeking dismissal and/or disallowance of the *Supplement* based on § 1.115 misplaced and inapplicable. Likewise, RCC’s improper reliance on § 1.115(d) of the Rules as grounds for filing the *Opposition* renders the filing untimely and unauthorized.

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<sup>1</sup> *Opposition* at p. 1.

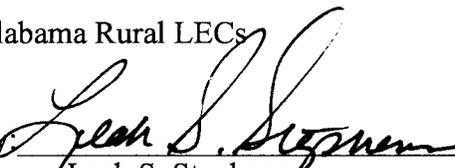
<sup>2</sup> *Parties Are Invited to Comment on the Supplemented Petitions for Eligible Telecommunications Carrier Designations*, DA-04-998, Public Notice (rel. April 12, 2004) (“*ETC Notice*”).

The Alabama Rural LECs filed Reply Comments to RCC's supplemented petition for designation as an ETC in Alabama on May 28, 2004 ("*Reply Comments*"), giving RCC an opportunity to respond and be heard on the matters addressed therein by the Alabama Rural LECs within the timeframe and the forum established by the Commission. Provided that RCC abides by the Commission's established timeframes under the *ETC Notice*, as amended on June 4, 2004,<sup>3</sup> it has ample opportunity to be heard on the matters addressed in the *Supplement* and the *Reply Comments* of the Alabama Rural LECs.

The Alabama Rural LECs respectfully request that the Commission dismiss the *Opposition* of RCC based on the grounds set forth above. In the event that the Commission denies the Motion to Dismiss, the Alabama Rural LECs alternatively seek an extension of time of ten (10) days from the date of said denial pursuant to §1.46 of the Commission Rules<sup>4</sup> to respond to the *Opposition*.

Respectfully submitted,

Alabama Rural LECs

By: 

Leah S. Stephens

Mark D. Wilkerson

Wilkerson & Bryan, P.C.

P.O. Box 830

Montgomery, AL 36101-0830

334/265-1500

June 4, 2004

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<sup>3</sup> *Due Date Extended for Reply Comments Concerning Supplemented Petitions for Eligible Telecommunications Carrier Designations*, DA 04-1628, Public Notice (rel. June 3, 2004) ("*Reply Comment Extension*").

<sup>4</sup> 47 C.F.R. §1.46

## CERTIFICATE OF SERVICE

I, Leah S. Stephens, hereby certify that on this 4<sup>th</sup> day of June, 2004, a true and correct copy of the above and foregoing MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION FOR EXTENSION OF TIME, unless otherwise designated, have been forwarded by U.S. Mail, first class, postage prepaid and properly addressed to:

William Maher, Bureau Chief\*  
Wireline Competition Bureau  
Federal Communications Commission  
9300 East Hampton Dr., Room 5-C450  
Capitol Heights, Maryland 20743

Vickie Robinson, Legal Advisor  
Chief, Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 5-C433  
Washington, D.C. 20554

Eric N. Einhorn, Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 5-A426  
Washington, DC 20554

William Scher, Assistant Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 5-B550  
Washington, DC 20554

Anita Cheng, Assistant Division Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 5-A445  
Washington, D.C. 20554

Karen Franklin, Attorney Advisor  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 6-A363  
Washington, D.C. 20554

Shannon Lipp, Attorney Advisor  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 6-C222  
Washington, DC 20554

Thomas Buckley, Attorney Advisor\*\*  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 6-C222  
Washington, DC 20554

Mr. Walter Thomas, Jr., Secretary  
Alabama Public Service Commission  
RSA Union Building  
P.O. Box 304260  
Montgomery, Alabama 36101

Mary E. Newmeyer, Federal Affairs Advisor  
Alabama Public Service Commission  
RSA Union Building  
P.O. Box 304260  
Montgomery, Alabama 36101

Russell D. Lukas, Esq.  
David A. LaFuria, Esq.  
Steven M. Chernoff, Esq.  
Lukas, Nace, Gutierrez & Sachs, Chartered  
1111 19<sup>th</sup> Street, N.W., Suite 1200  
Washington, DC 20036

William W. Jordan  
Vice President – Federal Regulatory  
BellSouth Telecom, Inc.  
1133 21<sup>st</sup> Street, Suite 900  
Washington, DC 20036

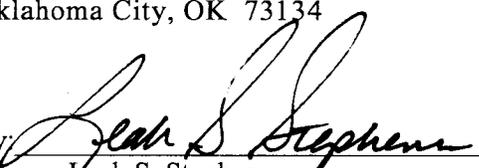
Pine Belt Telephone Company, Inc.  
c/o Kraskin, Lesse & Cosson  
2120 L Street, N.W., Suite 520  
Washington, DC 20037

Carolyn C. Hill  
Vice President/Federal Regulatory Affairs  
ALLTEL Corporation  
601 Pennsylvania Avenue, N.W.  
Suite 720  
Washington, D.C. 20037

John F. Jones  
Vice President, Federal Government  
Relations  
CENTURYTEL, INC.  
100 Century Park Drive  
Monroe, Louisiana 71203

Karen Brinkmann  
Tonya Rutherford  
LATHAM & WATKINS, LLP  
Suite 1000  
555 Eleventh Street, N.W.  
Washington, D.C. 20004-1304

Ronald L. Ripley, Esq.  
Counsel for Dobson Communications  
Corporation  
14201 Wireless Way  
Oklahoma City, OK 73134

By: 

Leah S. Stephens  
One of the Attorneys for the  
Alabama Rural LECs

**\*via overnight delivery**

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