

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C., 20554**

Southern Communications Services, Inc. d/b/a)	
SouthernLINC Wireless)	
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier in the)	
State of Alabama)	
)	
Petition for Designation as an Eligible)	CC Docket No. 96-45
Telecommunications Carrier in the)	
State of Florida)	
)	
Petition for Designation as an Eligible)	
Telecommunications Carrier in the)	
State of Georgia)	
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PETITION FOR WAIVER AND REQUEST FOR AN EXTENSION OF TIME

Southern Communications Services, Inc., d/b/a SouthernLINC Wireless,¹ through its attorneys and pursuant to section 1.3 of the Federal Communications Commission's rules, 47 C.F.R. § 1.3, respectfully requests that, if the Commission grants SouthernLINC Wireless's above-referenced pending applications for designation as an eligible telecommunications carrier ("ETC") on or before October 1, 2006,² the Commission waive the requirement that

¹ Since filing its petitions for designation as an ETC, SouthernLINC has changed its name to SouthernLINC Wireless. Petitioner therefore requests designation as an ETC in the name of "SouthernLINC Wireless."

² SouthernLINC Wireless has filed five separate petitions for designation as an ETC. In Alabama and Georgia, SouthernLINC Wireless separate its petitions into rural and non-rural areas, and in Florida, SouthernLINC Wireless submitted a combined rural and non-rural application. *See Parties are Invited to Comment on Southern LINC Petitions for Designation as an Eligible Telecommunications Carrier in the States of Alabama, Florida and Georgia, Public Notice, DA 05-143 (Jan. 21, 2005); Parties are Invited to Comment on Southern LINC Petitions for Designation as an Eligible*

SouthernLINC Wireless file a five-year plan pertaining to its ETC status on October 1, 2006, as set forth in section 54.202(b) of the Commission's rules, 47 C.F.R. § 54.202(b).³ Specifically, if the Commission grants SouthernLINC Wireless's application on or before October 1, 2006, then SouthernLINC Wireless requests that the Commission permit it to file its five-year plan sixty (60) days after the Commission grants ETC status to SouthernLINC Wireless. Granting a limited waiver and extension of time of the filing requirement is in the public interest, because it will permit SouthernLINC Wireless to file a more accurate and complete five-year plan with the Commission.

SouthernLINC Wireless satisfies the standard for granting a waiver of the filing requirement. Generally, the Commission will waive its rules for good cause shown.⁴ The Commission has found that it is appropriate to grant a waiver if special circumstances exist that justify deviation from the traditional rule and if waiver is in the public interest.⁵ In the present case, good cause and special circumstances exist for granting a waiver of the October 1, 2006, filing deadline.

Telecommunications Carrier in the States of Alabama and Georgia, Public Notice, DA 05-269 (Feb. 1, 2005). This Petition for Waiver and Request for an Extension of Time applies to each of the five petitions in the three above-captioned proceedings.

³ Section 54.202(b) states, “[a]ny common carrier that has been designated under Section 214(e)(6) as an eligible telecommunications carrier or that has submitted its application for designation under Section 214(e)(6) before the effective date of these rules must submit the information required by paragraph (a) of this section no later than October 1, 2006, as part of its annual reporting requirements under § 54.209.”

⁴ *See, e.g., Valor Telecommunications of Texas, L.P. Request for Review of Decision of Universal Service Administrator; Petition for Waiver and/or Clarification of Filing Deadline in 47 C.F.R. § 54.802(a)*, CC Docket No. 96-45, Order (rel. Jan. 13, 2006) (finding good cause justified granting a waiver of the filing deadline for interstate universal service access support); *see also WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (establishing the waiver standard); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (discussing the FCC's waiver standard).

⁵ *See Northeast Cellular*, 897 F.2d at 1166.

Granting a waiver of the October 1, 2006, filing deadline will enable SouthernLINC Wireless to file a plan that satisfies the Commission's criteria and contains the most up-to-date information available. In the five-year plan, the ETC is required to describe "with specificity its proposed improvements or upgrades to [its] network on a wire center-by-wire center basis throughout its designated service area."⁶ In the plan, the ETC also must demonstrate how high-cost support will be used for "service improvements that would not occur absent receipt of such support."⁷ In doing so, the Commission has requested specific information such as the projected start date of the improvements and the number of persons affected by those improvements.⁸

In the present situation, SouthernLINC Wireless filed its petitions for ETC status in September 2004, each of which remains pending. The business plan SouthernLINC Wireless developed when it filed those petitions in 2004 is now outdated due to updates and expansions SouthernLINC Wireless has made to its networks and operations, and thus the plan would not satisfy the requirements of section 54.202(b) of the Commission's rules, 47 C.F.R. § 54.202(b). Although SouthernLINC Wireless currently is updating that plan, SouthernLINC Wireless would not have sufficient time to update and finalize the business plan with the requisite specificity if the Commission were to grant SouthernLINC Wireless's pending applications at any time between now and October 1, 2006. Therefore, SouthernLINC Wireless requests that the Commission provide it with sixty days after ETC designation in which to file the five-year plan. Providing SouthernLINC Wireless with this additional time will enable SouthernLINC Wireless to submit a plan that contains the detailed wire center analysis that the Commission seeks.

⁶ *Federal-State Joint Board on Universal Service*, Report and Order, FCC 05-46, ¶ 23 (Mar. 17, 2006).

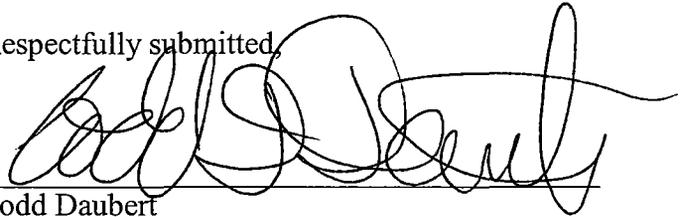
⁷ *Id.*

⁸ *Id.*

Granting a waiver and an extension of time in which to file the plan also is consistent with the public interest. If SouthernLINC Wireless has sufficient time in which to draft the plan, then it will be able to put forth a plan that maximizes the use of the funding that it will receive to the benefit of its subscribers.

For the foregoing reasons, good cause and special circumstances exist for granting a waiver of the October 1, 2006, filing deadline, and for granting SouthernLINC Wireless sixty days from approval of the ETC application in which to file the five-year plan. Therefore, SouthernLINC Wireless respectfully requests that the Commission grant this waiver request.

Respectfully submitted,



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