

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

In re Public Notice re)	
)	
CENTENNIAL COMMUNICATIONS)	
CORP. and AT&T INC.)	DA 08-2713
)	WT Docket No. 08-246
Announcing that Permit-But-Disclose <i>Ex Parte</i>)	
Procedures Would Apply in a Proceeding in)	
which <i>Ex Parte</i> Presentations Are Prohibited)	

MOTION OF CELLULAR SOUTH, INC. FOR LEAVE TO FILE
A SUPPLEMENT TO ITS PETITION FOR RECONSIDERATION

Cellular South, Inc. (“Cellular South”), by its attorneys and pursuant to § 1.106(f) of the Commission’s Rules, hereby requests leave to supplement the petition for reconsideration that it filed on January 15, 2009, in the above-captioned proceeding. *See* Petition for Reconsideration of Cellular South, Inc., WT Docket No. 08-246 (Jan. 15, 2009) (“Petition”). In support thereof, the following is respectfully submitted:

By its supplement, which is proffered simultaneously herewith, Cellular South provides an Appendix that lists 69 citations to public notices issued by the Wireless Telecommunications Bureau (“Bureau”) between May 14, 1999 and December 16, 2008, by which the Bureau announced that the permit-but-disclose *ex parte* procedures of 47 C.F.R. § 1.1206(b) would apply in proceedings that were “restricted” under 47 C.F.R. § 1.1208, because they involved of applications for Commission authority under 47 U.S.C. § 310(d). The citations support Cellular South’s claim that its research had shown that the Bureau has followed a ten-year practice of ignoring the dictates of § 1.1208 of the Rules in proceedings such as this. *See* Petition, at 6-7.

Cellular South submits that the grant of this motion would serve the public interest by ensuring a complete record in this proceeding. *See Qwest Communications Corp. v. Farmers*

and Merchants Mutual Tel. Co., 23 FCC Rcd 1615, 1616 n.17 (2008). Considering the legal issues presented, and the due process interests at stake, the Bureau should afford Cellular South some latitude in pleading its case. It would be incongruent at best for the Bureau to effectively waive the ban on ex parte presentations under § 1.1208 of the Rules, but strictly enforce the pleading requirements of § 1.106(f).

WHEREFORE, GOOD CAUSE HAVING BEEN SHOWN, the Bureau should grant this motion and consider the Supplement to Petition for Reconsideration of Cellular South, Inc. proffered simultaneously herewith.

Respectfully submitted,

/s/ [filed electronically]

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January 23, 2009

CERTIFICATE OF SERVICE

I, Linda J. Evans, hereby certify that on this 23rd day of January, 2009, copies of the foregoing MOTION OF CELLULAR SOUTH, INC. FOR LEAVE TO FILE A SUPPLEMENT TO ITS PETITION FOR RECONSIDERATION were sent by e-mail, in pdf format, to:

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