



# PUBLIC NOTICE

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DA 04-565

## WIRELINE COMPETITION BUREAU INITIATES PROCEEDING TO CONSIDER THE ALLTEL COMMUNICATIONS, INC. PETITION TO REDEFINE RURAL TELEPHONE COMPANY SERVICE AREAS IN THE STATE OF WISCONSIN

CC Docket No. 96-45

Release Date: February 26, 2004

The Wireline Competition Bureau (Bureau) provides notice that it is initiating a proceeding to consider a petition filed by ALLTEL Communications, Inc., on behalf of itself and its affiliated partnerships ALLTEL Wireless of Wisconsin RSA #1, LLC and ALLTEL Wireless of Wisconsin #7, LLC (collectively, ALLTEL) requesting the Commission's agreement with the Public Service Commission of Wisconsin's (Wisconsin Commission) proposal to redefine the "service areas" of certain rural telephone companies in the state of Wisconsin.<sup>1</sup> Pursuant to section 54.207(c)(3) of the Commission's rules, the Bureau has 90 days from the release date of a Public Notice to initiate a proceeding to consider a petition to redefine the service area of a rural telephone company.<sup>2</sup> The Wireline Competition Bureau released a Public Notice seeking comment on ALLTEL's petition on December 4, 2003.<sup>3</sup> The comment cycle established by that Public Notice closed on January 5, 2004.<sup>4</sup>

The Wisconsin Commission proposes to redefine the service areas of the following rural telephone companies: Amery Telecom, Inc., CenturyTel of Central Wisconsin, CenturyTel of Northern Wisconsin, CenturyTel of Northwest Wisconsin, CenturyTel of the Midwest-Kend, CenturyTel of the Midwest-Wisconsin, Chequamegon Telephone Cooperative, Chibardun Telephone Cooperative, Frontier

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<sup>1</sup> *Petition of ALLTEL Communications, Inc. for Consent to Redefine the Service Areas of Rural Telephone Companies in the State of Wisconsin*, CC Docket No. 96-45, filed on November 21, 2003 (Petition). For areas served by a rural telephone company, section 214(e)(5) of the Communications Act of 1934, as amended (the Act), provides that the company's service area will be its study area "unless and until the Commission and the States, after taking into account the recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company." 47 U.S.C. § 214(e)(5).

<sup>2</sup> 47 C.F.R. § 54.207(c)(3). If the Commission did not initiate a proceeding within 90 days of the release of the Public Notice, the definition proposed by the Wisconsin Commission would be deemed approved by the Commission and would take effect in accordance with state procedures. 47 C.F.R. § 54.207(c)(3)(ii).

<sup>3</sup> See *Wireline Competition Bureau Seeks Comment on ALLTEL's Petition to Redefine Rural Telephone Company Service Areas in the State of Wisconsin*, CC Docket No. 96-45, Public Notice, DA 03-3876 (rel. Dec. 4, 2003).

<sup>4</sup> See *id.*

Communications of Wisconsin, Midway Telephone Company – Wisconsin, Mt. Vernon Telephone Company, Stockbridge & Sherwood Telephone, Telephone USA of Wisconsin LLC, and West Wisconsin Telecom Cooperative (collectively, Rural Telcos).<sup>5</sup> The Wisconsin Commission proposes to redefine each Rural Telco service area into service areas that are coterminous with wire center boundaries.<sup>6</sup>

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

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<sup>5</sup> See Petition at Exhibit B (*Application of ALLTEL Communications, Inc., ALLTEL Wireless of Wisconsin RSA #1, LLC and ALLTEL Wireless of Wisconsin RSA # 7, LLC for Designation as an Eligible Telecommunications Carrier in Wisconsin*, Docket No. 7131-T1-101, Final Decision (Sept. 30, 2003) (Wisconsin Commission Order)); *Amendment to the Petition of ALLTEL Communications, Inc. for Consent to Redefine the Service Areas of Rural Telephone Companies in the State of Wisconsin*, CC Docket No. 96-45, filed on November 26, 2003, at Attachment 2 (Amendment to Petition). To the extent ALLTEL determined the Wisconsin Commission redefinition proposal was inaccurate, it was instructed to file a revised list correcting the proposal by October 31, 2003. See Wisconsin Commission Order at 18. Accordingly, ALLTEL filed an amended list correcting the Wisconsin Commission redefinition proposal on October 31, 2003. See Amendment to Petition at 2, Attachment 2. The revised redefinition proposal excluded wire centers in rural study areas that were partially served by ALLTEL. See Petition at n. 13; Amendment to Petition at Attachment 2.

<sup>6</sup> See Wisconsin Commission Order at 18; Petition at 2-3; Amendment to Petition at Attachment 2.