

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Federal-State Joint Board on Universal Service)	WC Docket No. 09-197
)	
Cellco Partnership d/b/a Verizon Wireless)	CC Docket No. 96-45
)	
Petitions for Pro Forma Amendment of Eligible)	
Telecommunications Carrier Designations in the)	
Commonwealth of Virginia and the States of)	
Alabama and North Carolina)	

ORDER

Adopted: May 28, 2010

Released: May 28, 2010

By the Chief, Wireline Competition Bureau:

1. On December 3, 2009, Cellco Partnership d/b/a Verizon Wireless and its affiliates (Cellco) filed requests for pro forma amendments of the eligible telecommunications carrier (ETC) designations held by Cellco in the name of ALLTEL Communications, Inc. and its affiliated legal entities (Alltel) in the commonwealth of Virginia and the state of North Carolina, and held by both Alltel and RCC Holdings, Inc. and its affiliated legal entities (RCC) in the state of Alabama.¹ The Bureau released a public notice seeking comment on the Cellco Petitions.²

¹ Petition of Cellco Partnership for Pro Forma Amendment of ETC Designations in the State of Alabama, WC Docket No. 09-197, CC Docket No. 96-45 (filed Dec. 3, 2009) (Cellco Alabama Petition); Petition of Cellco Partnership for Pro Forma Amendment of ETC Designations in the State of North Carolina, WC Docket No. 09-197, CC Docket No. 96-45 (filed Dec. 3, 2009) (Cellco North Carolina Petition); Petition of Cellco Partnership for Pro Forma Amendment of ETC Designations in the Commonwealth of Virginia, WC Docket No. 09-197, CC Docket No. 96-45 (filed Dec. 3, 2009) (Cellco Virginia Petition) (collectively, Cellco Petitions).

² *Comment Sought on Petitions of Cellco Partnership for Pro Forma Amendment of ETC Designations in Alabama, North Carolina and Virginia*, WC Docket No. 09-197, Public Notice, 24 FCC Rcd 14742 (Wireline Comp. Bur. 2009). The following parties filed comments in connection with the petitions: Haynesville Fiber Transport, Inc. d/b/a Camellia Communications, Comments, WC Docket No. 09-197 (filed Jan. 29, 2010) (Camilla Comments); Verizon/Alltel Management Trust, Comments, WC Docket No. 09-197 (filed Jan. 28, 2010) (Management Trust Comments); Cellco Partnership, Reply Comments, WC Docket No. 09-197 (filed Feb. 26, 2010) (Cellco Reply Comments); Rural Cellular Association, Reply Comments, WC Docket No. 09-197 (filed Feb. 26, 2010) (RCA Reply Comments). Commenters on the Cellco Petitions ask the Commission to clarify: (1) the process used to calculate disbursements pursuant to the *Interim Cap Order*; (2) details of the divestiture areas agreed to in the *Merger Order*; and (3) the procedures adopted to implement the phase-down of high-cost support as provided in the *Merger Order*. See generally Camilla Comments; Cellco Reply Comments, RCA Reply Comments; see also *Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings LLC for Consent to Transfer Control of Licenses, Authorizations, and Spectrum Manager and De Facto Transfer Leasing Arrangements and Petition for Declaratory Ruling That the Transaction Is Consistent with Section 310(b)(4) of the Communications Act*, WT Docket No. 08-95, Memorandum Opinion and Order and Declaratory Ruling, 23 FCC Rcd 17444 (2008) (*Merger Order*); *High-Cost Universal Service Support; Federal-State Joint Board on Universal Service*, WC Docket No. 05-337, CC Docket No. 96-45, Order, 23 FCC Rcd 8834, Appendix B, para. 31, Exhibits 2 and 3 (2008) (*Interim Cap Order*). We find that the issues raised by the Commenters are outside of the scope of the instant requests for pro forma amendment of the subject ETC designations and are more appropriately addressed in other proceedings.

2. The Commission previously designated Alltel as an ETC in Alabama, Virginia and North Carolina, and RCC as an ETC in Alabama. Cellco proposes to serve the same service areas that the Commission previously considered in its analyses. On November 8, 2008, Alltel and RCC became wholly-owned indirect subsidiaries of Cellco.³

3. We approve Cellco's requested pro forma amendments. Accordingly, the designated service areas of Alltel and RCC shall reflect Cellco as the ETC designated entity. We do not address the ETC designation and correlating high-cost support of the divested properties currently held in trust in accordance with the *Merger Order*.⁴ In the service areas not subject to state commission approval or where state concurrence has been previously issued, Cellco's pro forma amendments shall be effective upon release of this order. In the service areas where state commission approval is still pending, the pro forma amendments shall be effective on the date that the state commission concurs with the Commission's redefinition.

4. Accordingly, IT IS ORDERED that, pursuant to the authority contained in section 214(e)(6) of the Communications Act, 47 U.S.C. § 214(e)(6), and the authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, the petitions of Cellco Partnership d/b/a Verizon Wireless for pro forma amendment to the eligible telecommunications carrier designations held by ALLTEL Communications, Inc. and its affiliated legal entities in Alabama Virginia, and North Carolina, and RCC Holdings, Inc. and its affiliated legal entities in Alabama, ARE GRANTED.

5. IT IS FURTHER ORDERED that a copy of this order SHALL BE transmitted to the Virginia State Corporation Commission, the Alabama Public Service Commission, the North Carolina Utilities Commission, and the Universal Service Administrative Company.

6. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION



Sharon E. Gillett
Chief
Wireline Competition Bureau

³ See generally *Merger Order*, 23 FCC Rcd 17444. Among other things, the Commission conditioned its approval of the merger on Cellco's commitment to divest properties in 105 markets and phase out its universal service high-cost support in equal 20 percent increments over a period of five years. *Id.* at 17454, 17455, 17515-16, 17529-32, paras. 15, 19, 157-59, 192-97, Appendix B.

⁴ Until such time as the divestitures set forth in the *Merger Order* have been completed, the divestiture properties shall retain their existing ETC designation under the study area codes created specifically for those properties. See *Merger Order*, 23 FCC Rcd at 17551, Appendix B; see also Management Trust Reply Comments at 2.