

ALLTEL Communications  
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501-905-8000



September 19, 2002

Amended Application No. 40

Office of the Secretary  
Federal Communications Commission  
Washington, D.C. 20554

ATTN: Common Carrier Bureau

This Application for Special Permission requests a waiver of Section 61.59 and a limited waiver of Sections 61.38 and 61.49 of the Commission's Rules in order to file a proposed revision to tariff material in ALLTEL Telephone System (ATS) Interstate Access Tariff F.C.C. No. 3.

ATS is requesting a waiver of Sections 61.38 and 61.49 in order to file new ADSL rates and speeds which will be applicable to new Kentucky ALLTEL, Inc. customers. Existing customers' rates have been grandfathered, however, ATS will allow any existing customers to migrate to the new rate schedule without penalty. ATS acquired Kentucky ALLTEL, Inc., from Verizon on August 1, 2002. The current ADSL rates for Kentucky ALLTEL, Inc., were established by Verizon in its Tariff F.C.C. No. 20 without the filing of any cost support material, i.e., the Commission granted Verizon a waiver of Sections 61.38 and 61.49 of its Rules. The regulations and rates for Kentucky ALLTEL, Inc. were just simply incorporated into ATS' Tariff F.C.C. No. 3. One of the reasons the Commission has continued to grant Verizon a waiver of Sections 61.38 and 61.49 is because of the pending rulemaking proceeding to determine whether incumbent local exchange carriers (ILECs), such as ATS, should be considered dominant when they provide broadband services.<sup>1</sup>

Since ATS' billing systems are quite different from those employed by Verizon, Kentucky ALLTEL, Inc. has to manually compile bills for the converted customers. The proposed tariff revisions would allow Kentucky ALLTEL, Inc. to put into place a rate structure that would be more manageable for new ADSL customers as well as, any existing customer that switches to the new rate schedule. **The proposed revisions will allow any existing customers to switch to the new rate schedule without penalty.** A waiver of Sections 61.38 and 61.49 will allow Kentucky ALLTEL, Inc. to file the proposed tariff revisions without cost support and other required supporting data. Kentucky ALLTEL, Inc. is requesting these waivers for the same reason Verizon continues to be granted its waiver.

On September 14, 2002 ATS Tariff F.C.C. No. 3 became effective. This tariff, which includes Kentucky ALLTEL, Inc., canceled the Aliant Communications Co. (Aliant) Tariff F.C.C. No. 1. Since ATS's Tariff F.C.C. No. 3 has not been in effect for 30 days a waiver of Section 61.59 is needed in order to make revisions to ATS Tariff F.C.C. No. 3

Pursuant to Section 61.153(b) of the Commission's Rules, the original letter, F.C.C. Form 159, and a check for \$695.00 to cover the filing fee, is being delivered via the same day courier service to the Wholesale Lockbox Shift Supervisor c/o Mellon Bank, under FRN: 0001-7201-01.

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<sup>1</sup> See Review of Regulatory Requirements for Incumbent LEC Broadband Telecommunications Services, CC Docket No. 01-337, Notice of Proposed Rulemaking, FCC 01-360 (rel. Dec. 20, 2001).

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This request for special permission has been filed electronically with the FCC using the ETF system. All correspondence and inquiries in connection with this Application should be directed to Scott Terry at (501) 905-5397. Mr. Terry's fax number is (501) 905-6299.

Respectfully submitted,

David C. Bartlett  
Assistant Vice President- Federal Regulatory Affairs

Attachment: Illustrative Tariff Pages

## **FCC Registration Numbers for Tariff Participants**

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