

ALLTEL Communications
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Application No. 41

October 16, 2002

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20054

Attention: Wireline Competition Bureau

ALLTEL Corporation (“ALLTEL”), pursuant to Sections 61.151-61.153 of the Commission’s rules, hereby requests Special Permission for waiver of Sections 61.52(b), 61.54(i)(1), 61.54(i)(2) and 61.171 of the Commission’s rules in connection with the initial filing of ALLTEL’s interstate intraLATA message telecommunications service tariff and special construction tariff, titled ALLTEL Telephone System Tariff F.C.C. No. 4 and 5, respectively (“ATS F.C.C. No. 4 and 5”), illustrative tariff pages of which are filed herewith. ATS F.C.C. No. 4 and 5 will replace Aliant Communications Tariff F.C.C. No. 2 and 3, respectively (“Aliant F.C.C. No. 2 and 3”).

ALLTEL Nebraska (formerly Aliant Communications, Inc.) proposes to cancel Aliant F.C.C. No. 2 and 3, its current interstate intraLATA message telecommunications service and special construction tariffs, and to reissue these entire tariffs under the names ATS F.C.C. No. 4 and 5, with no changes. Thus the new tariff covering ALLTEL Nebraska’s interstate intraLATA message telecommunications service will be ATS F.C.C. No. 4, and its new special construction tariff will be ATS F.C.C. No. 5. This will allow ALLTEL to cancel the former Aliant Communications F.C.C. tariffs and reissue these tariffs under the ALLTEL Telephone System titles to coordinate with other ALLTEL F.C.C. tariffs.

A. Section 61.52(b) Should Be Waived In Order To Enable ALLTEL To Reissue Aliant F.C.C. No. 2 and 3 Under ATS F.C.C. No. 4 and 5.

Section 61.52(b) requires that the name of the “issuing carrier” appear in the upper left-hand corner of each tariff page. As explained above, however, ALLTEL will be issuing tariffs, ATS F.C.C. No. 4 and 5, to cover the interstate intraLATA message telecommunications service and special construction service offered by ALLTEL Nebraska. Because ATS is not a carrier, it will not be possible to both comply literally with the “issuing carrier” requirement and realize the administrative efficiencies resulting from the use of coordinated tariff titles. The Title Page of ATS F.C.C. No. 4 and 5 will make clear that it covers ALLTEL Nebraska, thereby satisfying the informational purpose of this

requirement. Accordingly, good cause has been shown for waiver of the “issuing carrier” requirement of Section 61.52(b).

B. The Bureau Should Waive Sections 61.54(i)(1) and 61.54(i)(2) Because ALLTEL Will Reissue Aliant F.C.C. No. 2 and 3 Under ATS F.C.C. No. 4 and 5 Without Change to Rates, Terms and Conditions.

ALLTEL requests waiver of Sections 61.54(i)(1) and 61.54(i)(2) of the Commission’s rules, which require the use of symbols to mark modifications of tariff provisions, including text changes (“T”), relocated material (“M”), reissued material (“S”), and discontinued rates or regulations (“D”). With regard to Aliant F.C.C. No. 2 and 3 symbolization is not necessary. Because all of the rates, terms and conditions of those tariffs will be carried over unchanged into ATS F.C.C. No. 4 and 5, no informational purpose would be served by adherence to the symbolization requirements of Sections 61.54(i)(1) and 61.54(i)(2). Moreover, it would substantially increase the effort and expense incurred by ALLTEL to follow those requirements in preparing this initial tariff filing. Accordingly, good cause exists to waive the symbolization requirements.¹

C. Good Cause Exists For A Waiver Of Section 61.171 Because ATS F.C.C. No. 4 and 5 Incorporates Rates, Terms And Conditions Listed In Aliant F.C.C. No. 2 and 3.

Section 61.171 requires that when a carrier’s name is changed, the successor carrier must file tariff revisions in its own name to reflect the name change but without any changes in rates, terms or conditions. As mentioned above, Aliant Communications, Inc. has now become ALLTEL Nebraska, triggering the requirements of Section 61.171. Rather than issuing tariff revisions under the name of ALLTEL Nebraska, however, the rates, terms and conditions of Aliant F.C.C. No. 2 and 3 will be reflected in ATS F.C.C. No. 4 and 5.

Due to the coordination of tariff titles, ATS F.C.C. No. 4 and 5 cannot comply literally with the Section 61.171 requirement that the successor carrier, ALLTEL Nebraska, file tariff revisions in its own name without any changes in rates, terms or conditions. The tariff transmittals will make it clear, however, that ATS F.C.C. No. 4 and 5 apply to interstate intraLATA message telecommunications services and special construction services offered by ALLTEL Nebraska, which formerly was Aliant Communications, Inc., and that ATS F.C.C. No. 4 and 5 replace Aliant F.C.C. No. 2 and 3. These administrative efficiencies constitute good cause for a waiver of Section 61.171.

¹ALLTEL is not requesting a waiver of Section 61.54(i)(3) with regard to tariff provisions that will not have been in effect for 30 days as of the proposed effective date of ATS F.C.C. No. 4 and 5.

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D. Conclusion

The waivers sought by ALLTEL will enable it to file ATS F.C.C. No. 4 and 5, covering the interstate intraLATA message telecommunications service and special construction service now offered by ALLTEL Nebraska. The filing of ATS F.C.C. No. 4 and 5 will not result in any changes in regulations, rates or charges to any customer. The requested waivers are therefore in the public interest and should be granted.

Pursuant to Section 61.153(b) of the Commission's Rules, the original letter, F.C.C. Form 159, and a check for \$655.00 to cover the filing fee are being delivered via same day courier service to the Wholesale Lockbox Shift Supervisor c/o Mellon Bank, under FRN: 0001-7201-01.

This request for special permission has been filed electronically with the Commission using the ETF system. All correspondence and inquiries in connection with this Application should be directed to Cesar Caballero at (501) 905-8142. Mr. Caballero's fax number is (501) 905-6299.

Respectfully submitted,

David C. Bartlett
Assistant Vice President
Federal Regulatory Affairs

Attachments: Illustrative Tariff Pages

FCC Registration Numbers for Tariff Participants

0004966099