

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

In the Matter of)	
)	
Telecommunication Carriers Eligible for)	WC Docket No. 09-197
Universal Service Support)	

ORDER

Adopted: April 29, 2010

Released: April 29, 2010

By the Acting Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this order, we approve the requests of three wireless carriers to relinquish their eligible telecommunications carrier (ETC) designations in Alabama, Tennessee, and Virginia.¹

2. Section 214(e)(6) of the Communications Act of 1934, as amended (Act), authorizes the Commission to designate ETCs when a state commission cannot do so.² The Commission must permit such ETCs to relinquish their designation “in any area served by more than one” ETC so long as “the remaining [ETCs] ensure that all customers served by the relinquishing carrier will continue to be served.”³

3. On March 12, 2003, the Wireline Competition Bureau (Bureau) designated Pine Belt Cellular, Inc. (Pine Belt Cellular) and Pine Belt PCS, Inc. (Pine Belt PCS) as ETCs in several counties in Alabama.⁴ Pine Belt PCS later merged with Pine Belt Cellular and no longer exists as an separate company. On December 10, 2009, Pine Belt Cellular filed on behalf of its former affiliate to relinquish Pine Belt PCS’s separate ETC designation in Alabama.⁵ Because Pine Belt Cellular remains an ETC in the affected areas and because Pine Belt PCS does not currently serve any customers, we find that Pine Belt PCS is permitted to relinquish its separate ETC designation.⁶

4. On May 24, 2002, the Bureau designated Farmers Cellular Telephone, Inc. (Farmers Cellular) as an ETC in the areas surrounding Bridgeport, Fort Payne, Piedmont, and Stevenson,

¹ See Notice Regarding Eligible Telecommunications Carrier Designation of Pine Belt PCS, Inc., WC Docket No. 09-197 (filed Dec. 10, 2009) (Pine Belt PCS Petition); Petition of Farmers Cellular Telephone, Inc. to Relinquish ETC Status in Designated Certain Areas of Alabama, WC Docket No. 09-197, at 2 (filed Dec. 23, 2009) (Farmers Cellular Petition); T-Mobile Notice of Relinquishment of Eligible Telecommunications Carrier Designations in Tennessee and Virginia, WC Docket No. 09-197 (filed Jan. 13, 2010) (T-Mobile Petition).

² 47 U.S.C. § 214(e)(6).

³ 47 U.S.C. § 214(e)(4).

⁴ *Federal-State Joint Board on Universal Service; Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. Petition for Designation as an Eligible Telecommunications Carrier*, CC Docket No. 96-45, Memorandum Opinion and Order, 17 FCC Rcd 9589 (Wireline Comp. Bur. 2002).

⁵ Pine Belt PCS Petition at 2. We interpret Pine Belt Cellular’s request to “approve the relinquishment of the [service provider identification number] previously assigned to Pine Belt PCS” to mean relinquishment of the ETC designation of that now-defunct entity. *Id.* at 3. Such relinquishment would not affect, in any way, Pine Belt Cellular’s own designation as an ETC.

⁶ Accordingly, the Universal Service Administrative Company (USAC) should discontinue the eligibility of study area code 259003, which is assigned to Pine Belt PCS.

Alabama.⁷ On May 13, 2008, Farmers Cellular assigned its licenses and transferred its customers to AT&T Mobility.⁸ On December 23, 2009, Farmers Cellular petitioned the Commission to relinquish its ETC designation in Alabama.⁹ Farmers Cellular asserts that “[t]here remain multiple carriers providing wireless and wireline telephone services in Farmer’s designated service area.”¹⁰ Because AT&T Inc. (AT&T), CenturyLink, and Farmers Telecom Cooperative remain ETCs in the affected areas and because Farmers Cellular Telephone does not currently serve any customers, we find that Farmers Cellular is permitted to relinquish its ETC designation.¹¹

5. On May 1, 2008, the Commission designated SunCom Wireless, Inc. (SunCom) as an ETC in certain wire centers in North Carolina, Tennessee, and Virginia.¹² Earlier that year, T-Mobile USA, Inc. (T-Mobile) had acquired SunCom.¹³ On January 13, 2010, T-Mobile filed on behalf of SunCom to relinquish its ETC designations in Tennessee and Virginia.¹⁴ T-Mobile asserts that SunCom will continue to provide competitive wireless service in the designated areas and that because SunCom had not begun providing “ETC-supported services” in those states, no customers will be affected by the relinquishment. Because AT&T, Scott County Telephone Cooperative, United Telephone Company Inc., and Verizon Communications Inc. remain as ETCs in the affected areas and because SunCom does not currently serve any customers as an ETC in these states, we find that SunCom is permitted to relinquish its ETC designations in Tennessee and Virginia.¹⁵

6. IT IS ORDERED that, pursuant to the authority contained in section 214(e)(4) of the Communications Act as amended, 47 U.S.C. § 214(e)(4), 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 ETC designation of Pine Belt PCS IS RELINQUISHED in the state in Alabama.

7. IT IS FURTHER ORDERED that, on behalf of its former affiliate Pine Belt PCS, Pine Belt Cellular SHALL TRANSMIT a copy of this order to the Alabama Public Service Commission and the Universal Service Administrative Company.

8. IT IS ORDERED that, pursuant to the authority contained in section 214(e)(4) of the Communications Act as amended, 47 U.S.C. § 214(e)(4), and the authority delegated in sections 0.91 and

⁷ *Federal-State Joint Board on Universal Service; Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. Petition for Designation as an Eligible Telecommunications Carrier*, CC Docket No. 96-45, Memorandum Opinion and Order, 17 FCC Rcd 9589 (Wireline Comp. Bur. 2002).

⁸ Farmers Cellular Petition at 2.

⁹ *Id.* at 1.

¹⁰ *Id.* at 3.

¹¹ Accordingly, USAC should discontinue the eligibility of study area code 259006, which is assigned to Farmers Cellular.

¹² *High-Cost Universal Service Support; Federal-State Joint Board on Universal Service; Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers; RCC Minnesota, Inc. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment*, WC Docket No. 05-337, CC Docket No. 96-45, Order, 23 FCC Rcd 8834, 8866, 8908–18, para. 42, Exhs. 25–26 (2008).

¹³ *Applications of T-Mobile USA, Inc. and SunCom Wireless Holdings, Inc. for Consent to Transfer Control of Licenses and Authorizations and Petition for Declaratory Ruling that the Transaction is Consistent with Section 310(B)(4) of the Communications Act*, WT Docket No. 07-237, File Nos. 0003178152, 0003178835, ITC-T/C-20071001-00404, ITC-T/C-20071001-00405, ISP-PDR-20071001-00013, Memorandum Opinion and Order, 23 FCC Rcd 2515 (2008).

¹⁴ T-Mobile Petition.

¹⁵ Accordingly, USAC should discontinue the eligibility of study area codes 199007 and 299005, which are assigned to SunCom in Virginia and Tennessee, respectively.

0.291 of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291, the ETC designation of Farmers Cellular Telephone, Inc. IS RELINQUISHED in the state in Alabama.

9. IT IS FURTHER ORDERED that Farmers Cellular Telephone, Inc. SHALL TRANSMIT a copy of this order to the Alabama Public Service Commission and the Universal Service Administrative Company.

10. IT IS ORDERED that, pursuant to the authority contained in section 214(e)(4) of the Communications Act as amended, 47 U.S.C. § 214(e)(4), 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 ETC designation of SunCom Wireless, Inc. IS RELINQUISHED in the states of Tennessee and Virginia.

11. IT IS FURTHER ORDERED that T-Mobile USA, Inc. SHALL TRANSMIT a copy of this order to the Tennessee Regulatory Authority, the Virginia State Corporation Commission, and the Universal Service Administrative Company.

12. 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

Jennifer K. McKee
Acting Chief
Telecommunications Access Policy Division
Wireline Competition Bureau