

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

In the Matter of)	
)	
American Communications Services, Inc.)	CC Docket No. 97-100
)	
MCI Telecommunications Corp.)	
)	
Petitions for Expedited Declaratory Ruling)	
Preempting Arkansas Telecommunications)	
Regulatory Reform Act of 1997)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Alltel Communications, Inc. Request for)	
Resolution of Previously Filed Petitions for)	
Expedited Declaratory Ruling Preempting)	
Arkansas Telecommunications Regulatory Reform)	
Act of 1997)	

ORDER

Adopted: May 18, 2010

Released: May 18, 2010

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

1. In this order, we dismiss as moot a petition filed by Alltel Communications, Inc. (Alltel) seeking a declaratory ruling preempting section 5(d)(1) of the Arkansas Telecommunications Regulatory Act of 1997.¹ On March 29, 2007, the Arkansas General Assembly amended the Arkansas

¹ See Letter from David Sieradski, Counsel to Alltel Communications, Inc., to Marlene Dortch, Federal Communications Commission, CC Docket Nos. 96-45, 97-100 (filed Feb. 21, 2007) (2007 Petition for Expedited Declaratory Ruling); Ark. Code Ann. §23-17-405(d)(1) (1997). Alltel was subsequently acquired by Cellco Partnership d/b/a Verizon Wireless. *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). On March 25, 1997, American Communications Services, Inc. and MCI Telecommunications Corp. challenged several provisions of the Arkansas Telecommunications Regulatory Act of 1997. See *Petitions for Expedited Declaratory Ruling Preempting Arkansas Regulatory Reform Act of 1997*, CC Docket No. 97-100 (filed Mar. 25, 1997) (*Petitions for Declaratory Ruling*). On December 23, 1999, the Commission issued the *Arkansas Preemption Order*, granting in part and denying in part petitioners' requests and preempting certain provisions of the Arkansas Telecommunications Regulatory Act. *American Communications Service, Inc. and MCI Telecommunications Corp. Petitions for Expedited Declaratory Ruling Preempting Arkansas Telecommunications Regulatory Reform Act of 1999 Pursuant to Sections 251, 252, and 253 of the Communications Act of 1934, as Amended*, CC Docket No. 97-100, Memorandum Opinion and Order, 14 FCC Rcd 21579 (1999) (*Arkansas Preemption Order*). The Commission, however, deferred action on the universal service issues relating to the preemption petitions. *Arkansas Preemption Order*, 14 FCC Rcd at 21581, para. 3. Alltel filed the instant petition seeking expedited action on the original *Petitions for Declaratory Ruling*. See 2007 Petition for Expedited Declaratory Ruling at 1.

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Telecommunications Regulatory Act of 1997.² As amended, the provisions challenged by Alltel no longer preclude competitive carriers from obtaining universal service support in the manner described by Alltel.³ Further, given that the universal service provisions challenged in the *Arkansas Preemption Order* are no longer the law in the state of Arkansas, we dismiss as moot all associated petitions filed in the above-captioned pleadings.

2. ACCORDINGLY, IT IS ORDERED, pursuant to the authority delegated under sections 0.91, 0.204(b), and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.204(b), 0.291, that the petition for expedited declaratory ruling filed by Alltel Communications, Inc. IS DISMISSED AS MOOT.

3. IT IS FURTHER ORDERED, pursuant to the authority delegated under sections 0.91, 0.204(b), and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.204(b), 0.291, that the petitions for declaratory ruling filed by American Communications Services, Inc. and MCI Telecommunications Corp. ARE DISMISSED AS MOOT.

4. IT IS FURTHER ORDERED, pursuant to sections 0.91, 0.204(b) and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.204(b), and 0.291, that the proceedings in CC Docket No. 97-100 ARE TERMINATED and the docket is closed.

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

FEDERAL COMMUNICATIONS COMMISSION

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

² 2007 Ark Acts 385; *see* Ark. Code Ann. § 23-17-405(d) (2007).

³ Ark. Code Ann. § 23-17-405 (2007).