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RECEIVED

March 26, 2009

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**PUBLIC SERVICE
COMMISSION**

Mr. Jeff Derouen
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, KY 40602

Re: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility Notice of
Acquisition and Request for Transfer of Eligible Telecommunications
Carrier Designation
PSC 2008-00077

Dear Mr. Derouen:

Enclosed for filing in the above-referenced case are the original and ten (10) copies of Notice of Partial Relinquishment of Eligible Telecommunications Carrier Designation for American Cellular Corporation, Consummation of Transfer of the Remainder of ACC's ETC Designation to New Cingular Wireless PCS, LLC, Study Area Code 269905.

Sincerely,

Mary K. Keyer
General Counsel/Kentucky

Enclosures

cc: Parties of Record

732258

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NEW CINGULAR WIRELESS PCS, LLC D/B/A)
AT&T MOBILITY NOTICE OF ACQUISITION) CASE NO.
AND REQUEST FOR TRANSFER OF ELIGIBLE) 2008-00077
TELECOMMUNICATIONS CARRIER DESIGNATION)

**NOTICE OF PARTIAL RELINQUISHMENT OF ELIGIBLE
TELECOMMUNICATIONS CARRIER DESIGNATION FOR AMERICAN
CELLULAR CORPORATION, CONSUMMATION OF TRANSFER OF THE
REMAINDER OF ACC'S ETC DESIGNATION TO NEW CINGULAR WIRELESS
PCS, LLC, STUDY AREA CODE 269905**

The Kentucky Public Service Commission ("Commission") previously designated American Cellular Corporation ("ACC") as an eligible telecommunications carrier ("ETC") for the purpose of receiving federal high cost and low income universal service support in certain rural and non-rural areas of Kentucky.¹ On February 26, 2008, AT&T Inc. notified the Commission that on November 15, 2007, Dobson Communications Corporation ("Dobson") became a wholly-owned subsidiary of AT&T Inc.² and that AT&T intended to consolidate various Dobson legal entities by merging American Cellular Corporation ("ACC") into New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T Mobility") effective in April 2008.³ AT&T Mobility also requested that the Commission's

¹ See *In the Matter of Petition of American Cellular Corporation Petition for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e) of the Telecommunications Act*, Case No. 2005-00130. ("ACC Designation Decision").

² *In the Matter of Applications of AT&T Inc., and Dobson Communications Corporation, For Consent to Transfer Control of Licenses and Authorizations*, File Nos. 0003092368 et al, WT Docket No. 07-153, ("Dobson Merger Approval Order") (rel. Nov. 19, 2007).

³ It should be noted that after November 15, 2007, Dobson and AT&T Mobility have both been managed by AT&T Mobility Corporation.

transfer of the ETC designation of ACC to AT&T Mobility not include Kentucky RSA 6 and 8 because these areas were being divested.⁴ On April 14, 2008, the Commission granted AT&T Mobility's request to transfer the ETC designation from ACC to AT&T Mobility except that ACC would remain designated as the ETC in KY-6 and KY-8 until it divested itself of those areas.⁵

ACC Partial Relinquishment

The FCC in the *Dobson Merger Approval Order*, imposed a condition that the operating units in certain areas must be divested, including Kentucky RSA 6 and 8.⁶ On December 22, 2008, the operations in Kentucky RSA 6 and 8 were successfully divested to Cellco Partnership d/b/a Verizon Wireless and certain of its subsidiaries ("Verizon Wireless"). ACC's relinquishment of the ETC designation in the wire centers identified on **Exhibit A** should be effective as of December 22, 2008. ACC's ETC designation in Kentucky RSA 6 and 8 was not transferred to Verizon Wireless.

As a result of the FCC-mandated divestiture of its wireless telecommunications operations and customers in Kentucky RSA 6 and 8, ACC no longer owns or operates a network to provide the supported services to any customers in this area.⁷ As such, ACC is requesting that ACC's ETC designation

⁴ See letter dated February 25, 2008, from Mary K. Keyer to Ms. Beth O'Donnell regarding AT&T Mobility Notice of Acquisition and Request for Transfer of ETC Designation.

⁵ See *In the Matter of New Cingular Wireless PCS, LLC ("AT&T Mobility") Notice of Acquisition and Request for Transfer of Eligible Telecommunications Carrier Designation*, Case No. 2008-0007, April 14, 2008 Order ("*AT&T Mobility ETC Transfer Order*").

⁶ *Dobson Merger Approval Order*, ¶ 88.

⁷ This statement is limited to ACC and does not impact other wireless subsidiaries of AT&T Inc.

in the specific incumbent local exchange carrier (ILEC) wire centers as set forth in **Exhibit A** be relinquished effective December 22, 2008.

The federal Communications Act of 1934, as amended (“Act”), provides that a state commission must allow the relinquishment of an ETC designation in areas served by more than one ETC. Specifically, section 214(e)(4) of the Act provides:

A State commission (or the [FCC] in the case of a common carrier designated under paragraph (6)) shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier.

47 U.S.C. §214(e)(4) (emphasis added); see also 47 C.F.R. § 54.205(a) and (b).

In accordance with the FCC-mandated divestiture of its operations in Kentucky RSA 6 and 8, each of ACC’s former customers within those market areas is now served by Verizon Wireless. Further, to the best of AT&T’s knowledge, the customers within each of the ILEC wire centers identified on **Exhibit A** will be able to receive service from an incumbent ETC.⁸

Transfer Remaining ETC Designation from ACC to AT&T Mobility

Pursuant to the Commission’s previous order, ACC will be merging into AT&T Mobility at which time the ETC designation previously granted to ACC will transfer to AT&T Mobility.⁹ While it was originally contemplated that ACC would merge into AT&T Mobility last April, due to unforeseen delay this will now occur on March 31, 2009. The wire centers where AT&T Mobility will be designated as

⁸ Nothing in ACC’s notice of partial relinquishment is intended to affect, and ACC shall fully retain and transfer to AT&T Mobility, the ETC designation in the ILEC wire centers set forth in **Exhibit B**, as explained in more detail below.

⁹ *AT&T Mobility ETC Transfer Order.*

an ETC are set forth in **Exhibit B**.¹⁰ After March 31, 2009, AT&T Mobility will be the designated ETC for study area code (“SAC”) 269905.

As stated in the February 26, 2008, notice, AT&T Mobility will continue to abide by the commitments made by ACC in its ETC application. Specifically, consistent with Section 214(e)(1) of the federal Communications Act (“Act”) and Section 54.201(d) of the FCC’s rules, AT&T Mobility will (1) offer the services that are supported by federal universal service support mechanisms¹¹ either using its own facilities or a combination of its own facilities and resale of another carrier’s services throughout the ETC-designated areas upon reasonable request,¹² and (2) advertise the availability of such services and the applicable charges using media of general distribution.¹³ In addition, AT&T Mobility will continue to participate in the federal Lifeline and Link Up programs in compliance with the FCC’s requirements. Further, AT&T Mobility will continue to file with the Commission its plans for the use of high cost support to be received; records and documentation detailing AT&T Mobility’s progress toward meeting its build-out plans; number of complaints per 1,000 handsets; and information detailing the

¹⁰ In the letter submitted by AT&T on February 26, 2008, AT&T inadvertently omitted two wire centers in which ACC had been previously designated as an ETC that should transfer to AT&T Mobility.

¹¹ The supported services include: voice grade access to the public switched network; local usage; dual tone multi-frequency signaling or its functional equivalent; single-party service or its functional equivalent; access to emergency services; access to operator services; access to interexchange service; access to directory assistance; and toll limitation for qualifying low-income consumers.

¹² See *ACC Designation Decision*, p. 7.

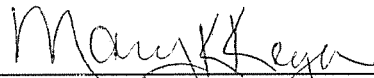
¹³ 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d).

number of unfulfilled requests for service for the past year.¹⁴ As part of the annual filing submitted to the Commission in Administrative Case No. 381, AT&T Mobility certified that it will use all high cost support that it receives during the 2009 calendar year only for the provision, maintenance and upgrading of facilities and services for which the support is intended pursuant to 47 U.S.C. § 254(e).¹⁵

CONCLUSION

AT&T Mobility respectfully requests that the Commission allow for the partial relinquishment of ACC's ETC designation in Kentucky RSA 6 and 8 effective as of the date of divestiture, December 22, 2008. AT&T Mobility also respectfully requests that the Commission recognize that effective March 31, 2009, that ACC's ETC designation in the wire centers listed in **Exhibit B** has been transferred to AT&T Mobility

RESPECTFULLY SUBMITTED,



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COUNSEL FOR NEW CINGULAR
WIRELESS PCS, LLC D/B/A AT&T
MOBILITY

732198

¹⁴ AT&T Mobility will follow the Commission's requirements and those in 47 C.F.R. § 54.202(a)(1)(B) to fulfill a reasonable request for service.

¹⁵ See *In the Matter of A Certification of the Carriers Receiving Federal Universal Service High-Cost Support*, Administrative Case No. 381, Eligible Telecommunications Carrier Certification and Report of New Cingular Wireless PCS, LLC ("AT&T Mobility") and American Cellular Corporation (SAC 269905), ¶ 6.

Exhibit A

AT&T Mobility ETC Wire Centers For Relenquishment (SAC 269905)

WC_Code	Exchange	ILEC SAC	SAC_Name
BEREKYXA	BEREA	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
BRHDKYXA	BRODHEAD	269691	KENTUCKY ALLTEL, INC. - LONDON
BRSDKYXA	BURNSIDE	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
BTVLKYXA	BRYANTSVILLE	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
CRBOKYMA	CRAB ORCHARD	265182	SOUTH CENTRAL BELL-KY
DAVLKYMA	DANVILLE	265182	SOUTH CENTRAL BELL-KY
EBNKKYXA	EUBANK	269691	KENTUCKY ALLTEL, INC. - LONDON
EBRNKYAC	EAST BERNSTAD	269691	KENTUCKY ALLTEL, INC. - LONDON
FBSHKYXA	FAUBUSH	269691	KENTUCKY ALLTEL, INC. - LONDON
FORDKYMA	FORD	265182	SOUTH CENTRAL BELL-KY
HTVLKYXE	HUSTONVILLE	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
JNCYKYMA	JUNCTION CITY	265182	SOUTH CENTRAL BELL-KY
KKVLKYMA	KIRKSVILLE	265182	SOUTH CENTRAL BELL-KY
LBRTKYXA	LIBERTY	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
LNCSKYXA	LANCASTER	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
LONDKYXA	LONDON	269691	KENTUCKY ALLTEL, INC. - LONDON
LVTNKYXA	LIVINGSTON	269691	KENTUCKY ALLTEL, INC. - LONDON
MTVRKYAI	MOUNT VERNON	269691	KENTUCKY ALLTEL, INC. - LONDON
NANCKYXA	NANCY	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
PNLCKYXE	PAINT LICK	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
PRVLKYMA	PERRYVILLE	265182	SOUTH CENTRAL BELL-KY
RCMDKYMA	RICHMOND	265182	SOUTH CENTRAL BELL-KY
SCHLKYXA	SCIENCE HILL	269691	KENTUCKY ALLTEL, INC. - LONDON
SMRTKYXA	SOMERSET	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
SOVLKYXA	SHOPVILLE	269691	KENTUCKY ALLTEL, INC. - LONDON
STFRKYMA	STANFORD	265182	SOUTH CENTRAL BELL-KY
WACOKYMA	WACO	265182	SOUTH CENTRAL BELL-KY
WHLLKYXA	WHITE LILY	269691	KENTUCKY ALLTEL, INC. - LONDON
AGSTKYXA	AUGUSTA	269691	KENTUCKY ALLTEL, INC. - LONDON
BKVLKYXA	BROOKSVILLE	269691	KENTUCKY ALLTEL, INC. - LONDON
CRLSKYMA	CARLISLE	265182	SOUTH CENTRAL BELL-KY
DOVRKYXA	DOVER	269691	KENTUCKY ALLTEL, INC. - LONDON
EWNGKYXA	EWING	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
FMBGKYXA	FLEMINGSBURG	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
FRNLKYXA	FERNLEAF	269691	KENTUCKY ALLTEL, INC. - LONDON
GMTWKYXA	GERMANTOWN	269691	KENTUCKY ALLTEL, INC. - LONDON
GRSNKYXA	GARRISON	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
HLBOKYXA	HILLSBORO	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
JHVLKYXA	JOHNSVILLE	269691	KENTUCKY ALLTEL, INC. - LONDON
LWGMKYXA	LEWISBURG	269691	KENTUCKY ALLTEL, INC. - LONDON
MRHDKYXA	MOREHEAD	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
MTOLKYXA	MOUNT OLIVET	269691	KENTUCKY ALLTEL, INC. - LONDON
MTSTKYMA	MT STERLING	265182	SOUTH CENTRAL BELL-KY
MYLCKYXA	MAYSLICK	269691	KENTUCKY ALLTEL, INC. - LONDON
MYVLKYMA	MAYSVILLE	265182	SOUTH CENTRAL BELL-KY
OLHLKYXA	OLIVE HILL	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
OWVLKYXA	OWINGSVILLE	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
SHBGKYXA	SHARPSBURG	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
SLLCKYXA	SALT LICK	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
TLBOKYXA	TOLLESBORO	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
VNBGKYXA	VANCEBURG	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
WASHKYXA	WASHINGTON	269691	KENTUCKY ALLTEL, INC. - LONDON

Exhibit B**AT&T Mobility ETC Designated Wire Centers (SAC 269905)**

<u>WC Code</u>	<u>Exchange</u>	<u>ILEC SAC</u>	<u>SAC Name</u>
BSVLKYXR	BURKESVILLE1	260401	DUO COUNTY TEL. COOP., INC.
FRPLKYXA	FAIRPLAY	260401	DUO COUNTY TEL. COOP., INC.
JMTWKYXA	JAMESTOWN	260401	DUO COUNTY TEL. COOP., INC.
RSSPKYXA	RUSSELLSPG	260401	DUO COUNTY TEL. COOP., INC.
PNKNKYXA	PINE KNOT	264002	HIGHLAND TELEPHONE COOPERATIVE, INC. - KY
STRNKYXA	STNSWHLYCY	264002	HIGHLAND TELEPHONE COOPERATIVE, INC. - KY
ALBYKYXA	ALBANY	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
BRVLKYXA	BRADFORDSVILLE	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
BSVLKYXA	BURKESVILLE	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
CECLKYXA	CECILIA	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
CLMAKYXA	COLUMBIA	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
CMVLKYXA	CAMPBELLSVILLE	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
EZTWKYXA	ELIZABETHTOWN	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
GLSGKYXA	GLASGOW	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
GNBGKYXB	GREENSBURG	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
HGVLKYXA	HODGENVILLE	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
LBNNKYXA	LEBANON	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
LRTTKYXA	LORETTO	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
MNTIKYXA	MONTICELLO	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
SHDNKYXA	SOUTH HARDIN	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
TMVLKYXA	TOMPKINSVILLE	269690	KENTUCKY ALLTEL, INC. - LEXINGTON
BLFDKYMA	BLOOMFIELD	265182	SOUTH CENTRAL BELL-KY
BRGNKYMA	BURGIN	265182	SOUTH CENTRAL BELL-KY
BRTWKYES	BARDSTOWN	265182	SOUTH CENTRAL BELL-KY
CHPLKYMA	CHAPLIN	265182	SOUTH CENTRAL BELL-KY
HDBGKYMA	HARRODSBURG	265182	SOUTH CENTRAL BELL-KY
LBJTKYMA	LEBANON JUNCTION	265182	SOUTH CENTRAL BELL-KY
LRBGKYMA	LAWRENCEBURG	265182	SOUTH CENTRAL BELL-KY
MTEDKYMA	MT EDEN	265182	SOUTH CENTRAL BELL-KY
NWHNKYMA	NEW HAVEN	265182	SOUTH CENTRAL BELL-KY
RSTRKYES	ROSE TERRACE	265182	SOUTH CENTRAL BELL-KY
SLVSKYMA	SALVISA	265182	SOUTH CENTRAL BELL-KY
SPFDKYMA	SPRINGFIELD	265182	SOUTH CENTRAL BELL-KY
TYVLKYMA	TAYLORSVILLE	265182	SOUTH CENTRAL BELL-KY
WSBGKYMA	WILLISBURG	265182	SOUTH CENTRAL BELL-KY
WSPNKYMA	WEST POINT	265182	SOUTH CENTRAL BELL-KY
BFLOKYXA	BUFFALO	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
BOVLKYXA	BONNIEVL	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
CNMRKYXA	CANMER	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
CNTRKYXA	CENTER	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
CVCYKYXA	CAVE CITY	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
EDTNKYXA	EDMONTON	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
FNRNKYXA	FOUNTANRUN	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
GLSGKYXR	GLASGOW2	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
GMLLYXA	GAMALIEL	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
HRCVKYXA	HORSE CAVE	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
HSVLYXA	HISEVILLE	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
LUCSKYXA	LUCAS	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
MFVLKYXA	MUNFORDVL	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
MGNLYXA	MAGNOLIA	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
SMSHKYXA	SUMMERSHAD	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.
TMHLKYXA	TEMPLEHILL	260418	SOUTH CENTRAL RURAL TEL. COOP. CORP., INC.

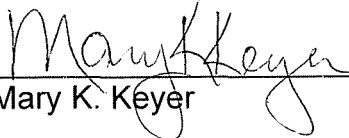
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following individuals by mailing a copy thereof, this 26th day of March 2009.

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Mary K. Keyer