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November 18, 2002

VIA OVERNIGHT MAIL

Sara Kyle, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

DOCKET NO.

02-01245

Dear Ms. Kyle:

Enclosed for the Tennessee Regulatory Authority's (TRA) review is one (1) original and thirteen (13) copies of Advantage Cellular Systems, Inc.'s (Advantage) Application to be Designated as an Eligible Telecommunications Carrier (ETC). Also enclosed is a pink copy of Advantage's Application. Please date-stamp and return this pink copy in the enclosed self-addressed, stamped envelope for our records.

Thanks for your quick consideration and please contact me if you have any questions.

Sincerely,

Rebecca L. Murphy

Enclosures

RECEIVED

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SARA KYLE, COMMISSIONER
TN PUBLIC SERVICE COMM.

BEFORE THE TENNESSEE REGULATORY AUTHORITY

**IN THE MATTER OF THE)
APPLICATION OF ADVANTAGE)
CELLULAR SYSTEMS, INC. FOR)
ELIGIBLE TELECOMMUNICATIONS)
CARRIER STATUS IN TENNESSEE)**

Docket No. 02-01245

**APPLICATION OF ADVANTAGE CELLULAR SYSTEMS, INC. TO BE
DESIGNATED AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Pursuant to Sections 214 and 254 of the Communications Act of 1934, *as amended*¹ (“the Act”), on behalf of Advantage Cellular Systems, Inc. (“Advantage”), a Commercial Mobile Radio Service (“CMRS”) carrier, its attorneys hereby respectfully request that the Tennessee Regulatory Authority (“TRA”) designate Advantage as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 254(c) of the Act.² Advantage seeks ETC status for the entire study area of Dekalb Telephone Cooperative, Inc. d/b/a DTC Communications (“DTC Communications”), a Tennessee rural telephone company. As explained below, Advantage meets the requirements of the Act and the TRA should grant Advantage ETC status.

In support of its Application, Advantage submits the following:

1. Advantage Cellular Systems, Inc. with principal offices at Highway 70 West, P.O. Box 457, Alexandria, TN 37012, Telephone (615) 464-2355; Fax (615) 529-1030, was granted authority to conduct business in Tennessee by order of the Tennessee Secretary of State dated December 20, 1990. Advantage is an affiliate of DTC Communications. Wayne Gassaway is the General Manager of Advantage and can be contacted at the above address and phone number. Advantage has obtained authority to transact business in the state of

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). The 1996 Act amended the Communications Act of 1934. 47 U.S.C. § 151, et seq. (“the Act”); *see* 47 U.S.C. §§ 214 & 254.

² 47 U.S.C. § 254.

Tennessee permitted as set forth in the provisions of the Tennessee Code Annotated, Title 48, Chapter 11, Part 309.

2. Pursuant to the Federal Communications Commission's ("FCC") *Report and Order*,³ Section 214(e) of the Act governs whether a telecommunications carrier qualifies as an ETC.⁴ Under this section, a state commission has the authority to designate a common carrier as an ETC if it determines that the carrier has met the requirements of section 214(e)(1). Section 214(e)(1) requires that a common carrier meet the following requirements throughout its entire service area to qualify as an ETC: 1) it must offer services supported by Federal universal service support under Section 254(c) using its own facilities or a combination of its own facilities and resale; and 2) it must advertise the availability of such services and charges, using a media of general distribution. If the carrier meets these requirements and the state commission determines that the grant of ETC status is consistent with the public interest, convenience, and necessity, the carrier will qualify for universal service support. As discussed below, Advantage meets each of the Section 214 requirements.

A. Advantage offers services supported by Federal universal service support under Section 254(c) using its own facilities.⁵ Advantage operates a state-of-the-art wireless CMRS network throughout the DTC Communications study area. Advantage offers a variety of calling plans to approximately 10,500 existing customers.

B. Advantage provides telecommunications services supported under Section 254(c) throughout the entire study area of DTC Communications.⁶

³ *In re Federal-State Joint Board on Universal Service*, Report and Order, FCC 97-157 at ¶¶ 130-136 (rel. May 8, 1997).

⁴ See 47 U.S.C. § 214(e).

⁵ These services are set forth in Section 3.

⁶ See 47 U.S.C. § 254(c).

- C. Advantage plans to advertise the availability and price of the list of universal services pursuant to Section 254(c) throughout the area in which it is designated as an ETC. Advantage will advertise using, at a minimum, publication in four newspapers of general circulation including, *The Smithville Review*, *The Middle Tennessee Times*, *The Cannon Courier*, and *The Carthage Courier*, throughout Advantage's entire service area, or by other means as management may direct using good business practices and such guidance as the TRA has or may establish.
3. Section 254(c) of the Act and FCC Rule Section 54.101⁷ establish "core" or designated services that are supported by Federal universal service support mechanisms.⁸ These core services include:
- A. voice grade access to the public switched network;
 - B. an amount of local usage free of (additional) charge;
 - C. Dual Tone Multi-Frequency signaling or its functional equivalent;
 - D. single party service;
 - E. access to emergency services;
 - F. access to operator services;
 - G. access to interexchange service;
 - H. access to directory assistance; and
 - I. toll limitation services for qualifying low-income consumers on at least one calling plan.

Advantage offers the entire required "core" services listed above.

4. Advantage will offer LifeLine and LinkUp services to qualifying low-income consumers consistent with Federal and state rules, regulations and guidelines.

⁷ 47 C.F.R. § 54.101

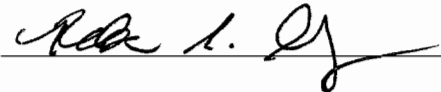
⁸ See 47 U.S.C. § 254(c).

5. Advantage has demonstrated its ability to fulfill its obligations as set forth in this instant application for certification as an ETC. Advantage respectfully submits that its request to be designated as an ETC serves the public interest, convenience, and necessity because it will allow Advantage to ensure that its resources are committed to the provision and preservation of universal service.

Because Advantage meets these requirements and it is consistent with the public interest, convenience, and necessity, the TRA should grant Advantage ETC status and allow it to qualify for universal service support. For the foregoing reasons, Advantage respectfully requests that the TRA designate it as an ETC within its respective service area. Advantage also submits that an expedited grant of this application is in the public interest, convenience, and necessity and consistent with Sections 214 and 254 of the Act.

Respectfully submitted,

ADVANTAGE CELLULAR SYSTEMS, INC.

By: 

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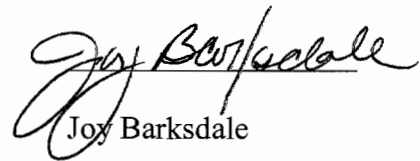
Its Attorneys

November 18, 2002

CERTIFICATE OF SERVICE

I, Joy Barksdale, hereby certify that a copy of the foregoing Application of Advantage Cellular Systems, Inc. to be Designated as an Eligible Telecommunications Carrier was served on November 18, 2002, by first-class United States mail, postage prepaid, on the company listed below:

Dekalb Telephone Cooperative, Inc.
d/b/a DTC Communications
P.O. Box 247
111 High Street
Alexandria, TN 37012-0247


Joy Barksdale