

PUBLIC NOTICE



FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, S.W.

WASHINGTON, D.C. 20554

DA 00-2349

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**ALL WEST COMMUNICATIONS, INC., CARBON/EMERY TELCOM, INC.,
CENTRAL UTAH TELEPHONE, INC., HANKSVILLE TELCOM, INC., MANTI
TELEPHONE COMPANY, SKYLINE TELECOM, UBET TELECOM, INC. AND
QWEST CORPORATION SEEK A WAIVER OF THE DEFINITION OF "STUDY
AREA" IN PART 36 AND SECTIONS 61.41(C), 69.3(E)(11), AND 69.605(C)
OF THE COMMISSION'S RULES**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: October 18, 2000

Comment Date: November 2, 2000

Reply Comment Date: November 13, 2000

On October 6, 2000, All West Communications, Inc., Carbon/Emery Telcom, Inc. (Carbon/Emery), Central Utah Telephone, Inc., Hanksville Telcom, Inc. (Hanksville), Manti Telephone Company (Manti), Skyline Telecom (Skyline), UBET Telecom, Inc. (UBET), (collectively, acquiring companies) and Qwest Corporation (Qwest) filed a joint petition for waiver of the definition of "study area" as set forth in Part 36 of the Commission's rules. That definition constitutes a rule freezing all study area boundaries. The requested waivers would allow Qwest to alter the boundaries of its existing Utah study area to remove twelve exchanges (35,600 access lines that it is transferring to the acquiring companies. The waiver would also allow the acquiring companies to add the purchased exchanges to their existing Utah study areas.¹ The petitioners submitted an Order from the Utah State Commission indicating that it has no objection to the changes in the study area boundaries.

The acquiring companies, with the exception of Skyline and Manti, also seek waiver of section 61.41(c) of the Commission's price cap rules, 47 C.F.R. § 61.41, to exempt them from the price cap "all or nothing" rule. Section 61.41(c) requires non-price cap companies, and the telephone companies with which they are affiliated, to become subject to price cap regulation after acquiring a price cap company or any part thereof. The requested waiver would permit the acquiring companies, with the exception of Skyline and Manti, to continue operating under rate-of-return

¹ Carbon/Emery, Hanksville, and UBET are newly-formed, wholly-owned subsidiaries of existing, small local exchange companies operating in rural areas of Utah which seek to add the exchanges being acquired by the listed subsidiaries to the parents' existing study areas.

regulation after acquiring the Qwest exchanges that are currently under price cap regulation. Skyline and Manti request a waiver of section 69.605 of the Commission's rules, 47 C.F.R. § 69.605, so that they may continue to operate as average schedule companies with the acquired exchanges. Section 69.605 defines an "average schedule company" as a telephone company that was participating in average schedule settlements on December 1, 1982. Finally, to the extent required by section 69.3(g)(11), the acquiring companies seek waiver of section 69.3(e)(11) of the Commission's rules, 47 C.F.R. § 69.3(e)(11), to utilize the National Exchange Carrier Association as their interstate tariff administrator.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **November 2, 2000**, and reply comments on or before **November 13, 2000**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

Parties also must send three paper copies of their filing to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20037.

Pursuant to section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Adrian Wright, Accounting Policy Division, Common Carrier Bureau at (202) 418-7400, TTY (202) 418-0484.