

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

In the Matter of)	
)	
Idaho Public Utilities Commission)	
)	CC Docket No. 98-221
Petition for Declaratory Ruling Concerning)	
Section 251 of the Communications Act)	
)	
Treatment of CTC Telecom, Inc. and Similarly)	
Situated Carriers as Incumbent Local)	
Exchange Carriers under Section 251(h)(2) of)	
the Communications Act.)	
)	

ORDER

Adopted: November 26, 2001

Released: November 27, 2001

By the Chief, Policy and Program Planning Division:

1. On November 23, 1998, the Idaho Public Utilities Commission (Idaho Commission) filed a petition for declaratory ruling requesting that the Federal Communications Commission treat CTC Telecom, Inc., a local exchange carrier (LEC) offering basic local exchange service, as an incumbent LEC for purposes of section 251(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 251(c). The Idaho Commission further requested that the Commission initiate a rulemaking to treat all similarly situated LECs as incumbent LECs.¹

2. On September 11, 2001, the Idaho Commission filed a request to withdraw its November 1998 petition without prejudice.² We hereby grant that request.

¹ *Petition of the Idaho Public Utilities Commission for Declaratory Ruling Concerning Section 251 (of the Communications Act), Treatment of CTC Telecom, Inc. and Similarly Situated Carriers as Incumbent Local Exchange Carriers Under Section 251(h)(2) of the Communications Act*, CC Docket No 98-221, filed Nov. 23, 1998. The Commission released a public notice soliciting comments on the Idaho Commission's petition on December 8, 1998, stating that the Commission would treat that petition as a petition for rulemaking. *Pleading Cycle Established for Comments on Idaho Public Utilities Commission Petition for Rulemaking Pursuant to Section 251(h)(2) of the Communications Act*, Public Notice, released Dec. 8, 1998, DA 98-2510. Interested parties filed comments in response to the public notice on January 11, 1999, and replies on January 26, 1999.

² *Petition of the Idaho Public Utilities Commission for Declaratory Ruling Concerning Section 251 (of the Communications Act) Treatment of CTC Telecom, Inc. and Similarly Situated Carriers as Incumbent Local* (continued....)

3. Accordingly, IT IS ORDERED, pursuant to sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the request of the Idaho Public Utilities Commission to withdraw its petition for declaratory ruling without prejudice, IS GRANTED and the above-captioned proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Policy and Program Planning Division
Common Carrier Bureau

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Exchange Carriers Under Section 251(h)(2) of the Communications Act, CC Docket No 98-221, Request to Withdraw Petition, filed Sept. 11, 2001.