



PUBLIC NOTICE

Federal Communications Commission
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**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON
THE JOINT PETITION OF PANORA COMMUNICATIONS COOPERATIVE AND
PRAIRIE TELEPHONE CO., INC. TO WAIVE THE DEFINITION OF “STUDY AREA” AS
CODIFIED IN PART 36 OF THE COMMISSION’S RULES**

CC Docket No. 96-45

Comment Date: December 31, 2014
Reply Comment Date: January 15, 2015

The Wireline Competition Bureau (Bureau) seeks comment on the Panora Communications Cooperative (Panora) and Prairie Telephone Co., Inc. (Prairie) (together, Petitioners) joint petition for waiver of the definition of “study area.”¹ Petitioners state that the waiver will permit Prairie to sell the remainder of its Yale exchange, which consists of approximately 37.5 square miles and approximately 144 access lines, to Panora. Petitioners assert that grant of the petition is in compliance with the standards set forth in the *USF/ICC Transformation Order*² and that the proposed transaction will result in a decrease of the aggregate annual federal high-cost universal service support distributed to both average schedule companies.³ Petitioners claim that if the waiver is granted, it will likely produce cost savings, increased economies of scale, and other substantial consumer benefits.⁴

Effective November 15, 1984, the Commission froze all study area boundaries to prevent incumbent local exchange carriers from establishing separate study areas made up only of high-cost exchanges to maximize their receipt of high-cost universal service support.⁵ A carrier must therefore

¹ Panora Communications Cooperative and Prairie Telephone Co., Inc. Joint Petition for Waiver, CC Docket No. 96-45 (filed Nov. 25, 2014) (Petition); 47 C.F.R. pt. 36 App. (defining “study area”).

² See *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*; WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17763, paras. 266-67 (2011) (*USF/ICC Transformation Order*); *aff’d In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014); 47 C.F.R. § 36.4.

³ See Petition at 5.

⁴ See Petition at 6.

⁵ See *MTS and WATS Market Structure, Amendment of Part 67 of the Commission’s Rules and Establishment of a Joint Board*, CC Docket Nos. 78-72, 80-286, Decision and Order, 50 Fed. Reg. 939 (1985).

apply to the Commission for a waiver of the study area boundary freeze if it wishes to transfer or acquire additional exchanges.

In the *USF/ICC Transformation Order*, the Commission streamlined its rules governing study area waiver requests, creating a method similar to the Bureau's processing of routine section 214 transfer of control applications.⁶ In the past, the procedures for addressing petitions for study area waiver required the Bureau to issue an order either granting or denying the request after issuing a public notice. Under the revised process, upon determination that a petitioner has filed a complete petition and that the petition is appropriate for streamlined treatment, the Bureau will issue a public notice seeking comment on the petition, and the petition will be deemed granted 60 days after the reply comment due date absent further action by the Bureau.⁷ Based on an initial review, the Bureau finds that the Petition is complete and is appropriate for streamlined treatment, and it therefore seeks comment on the Petition.

Interested parties may file **comments on or before December 31, 2014**, and **reply comments on or before January 15, 2015**. All pleadings are to reference **CC Docket No. 96-45**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.⁸

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8:00 a.m. to 7:00 p.m. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;

⁶ See *USF/ICC Transformation Order*, 26 FCC Red at 17763, paras. 266-67.

⁷ See *id.*; 47 C.F.R. § 36.4.

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Red 11322 (1998).

- (2) Abdel Eqab, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-B431, Washington, DC 20554; e-mail: Abdel-Hamid.Eqab@fcc.gov;
- (3) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-A452, Washington, DC 20554; e-mail: Charles.Tyler@fcc.gov.

This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Abdel Eqab, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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⁹ 47 C.F.R. §§ 1.1200 *et seq.*