**Before the**

Federal Communications Commission

Washington, D.C. 20554

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| In the Matter of  Petition of Missouri Network Alliance, LLC d/b/a Bluebird Network for Preemption and Declaratory Ruling Pursuant to Section 253(d) of the Communications Act of 1934 | **)**  **)**  **)**  **)**  )  ) | WC Docket No. 21-323 |

ORDER

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**Adopted: November 19, 2021 Released: November 19, 2021**

By the Chief, Wireline Competition Bureau:

1. By this Order, we grant the motion by Missouri Network Alliance, LLC d/b/a Bluebird Network (Bluebird) to withdraw its petition for preemption and declaratory ruling pursuant to section 253(d) of the Communications Act.[[1]](#footnote-3) The Petition, filed on May 10, 2021, asks that the Commission preempt a per linear foot fee charged by the city of Columbia, Missouri (Columbia) for use of its rights-of-way on the grounds that the fee requirement violates section 253(a) of the Act.[[2]](#footnote-4)
2. On November 9, 2021, Bluebird filed a request to withdraw its Petition, in light of changes in state law and the fact that Columbia has ceased charging the right-of-way fees that are the subject of the Petition.[[3]](#footnote-5) In view of the foregoing, we grant Bluebird’s Motion.
3. Accordingly, **IT IS ORDERED** that, pursuant to sections 0.91 and 0.291, of the Commission’s rules, 47 CFR §§ 0.91, 0.291, Bluebird’s request to withdraw the above-captioned petition is **GRANTED.**
4. **IT IS FURTHER ORDERED** that, pursuant to sections 0.91 and 0.291 of the Commission’s rules, 47 CFR §§ 0.91, 0.291, the above-captioned petition for preemption and declaratory ruling is **DISMISSED WITHOUT PREJUDICE** and the proceeding initiated by that petition, WC Docket 21-323, **IS TERMINATED**.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith

Chief

Wireline Competition Bureau

1. 47 U.S.C. § 253(d). [↑](#footnote-ref-3)
2. 47 U.S.C. § 253(a); Petition of Missouri Network Alliance, LLC d/b/a Bluebird Network for Preemption and Declaratory Ruling Pursuant to Section 253(d) of the Communications Act (filed May 10, 2021), <https://www.fcc.gov/ecfs/filing/10510356815100> (Petition). [↑](#footnote-ref-4)
3. Motion to Withdraw, WC Docket No. 21-323 (filed Nov. 9, 2021) (Motion); Letter from Nancy Thompson, City Counselor, City of Columbia to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 21-323 (Nov. 3, 2021). [↑](#footnote-ref-5)