

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

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

ORDER

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 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

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 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).

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).

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).