



PUBLIC NOTICE

Federal Communications Commission
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DA 23-1191

Released: December 20, 2023

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON JOINT PETITION OF UNITED TELEPHONE ASSOCIATION, INC. AND PANHANDLE TELEPHONE COOPERATIVE, INC. FOR WAIVER OF PART 36 AND SECTIONS 51.909(a), AND 51.917(b)(1) AND (b)(7) OF THE COMMISSION'S RULES

WC Docket Nos. 23-255 and 10-90

CC Docket No. 96-45

Comments Due: January 3, 2024

Reply Comments Due: January 10, 2024

The Wireline Competition Bureau (Bureau) seeks comment on the joint petition of United Telephone Association, Inc. (United) and Panhandle Telephone Cooperative, Inc. (Panhandle) (together, Petitioners) for waiver of the definition of “study area” contained in the Appendix-Glossary of part 36 of the Commission’s rules.¹ The Petitioners state the purpose of the waiver is to permit the assignment of the South Englewood telephone exchange and associated customer base in Oklahoma from the United study area to Panhandle’s existing study area.² The Petitioners further request a waiver of sections 51.909(a), 51.917(b)(1), and 51.917(b)(7) of the Commission’s rules to allow them to adjust their Access Recovery Charges, Connect America Fund Inter-carrier Compensation support, and reciprocal compensation and switched access rate caps.³

In the *USF/ICC Transformation Order*, the Commission streamlined its rules governing part 36 study area waiver requests, creating a method similar to the Bureau’s processing of routine section 214 transfer of control applications.⁴ In the past, the procedures for addressing petitions for study area

¹ Joint Petition of United and Panhandle for Waiver of the Definition of “Study Area” and Waiver of Sections 51.909 and 51.917 with Respect to the Transfer of the South Englewood, Oklahoma Exchange, CC Docket No. 96-45 and WC Docket No. 10-90 (filed July 25, 2023) (Petition); Supplement to Joint Petition for Waiver, CC Docket No. 96-45 and WC Docket No. 10-90 (filed Dec. 1, 2023) (Petition Supplement). 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 in order to maximize their receipt of high-cost universal service support. 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, FCC 84-637, 50 Fed. Reg. 939 (1985). A carrier must therefore apply to the Commission for a waiver of the study area boundary freeze if it wishes to transfer or acquire additional exchanges.

² See Petition at 1; Petition Supplement at 2. Petitioners have separately filed a section 214 application for the proposed assignment of the South Englewood telephone exchange from United to Panhandle. See *Application for Assignment of Assets of United Telephone Assoc., Inc. to Panhandle Telephone Cooperative, Inc.*, WC Docket No. 23-255 (filed July 25, 2023).

³ See Petition at 6; Petition Supplement at 2.

waivers 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.⁵ Based on an initial review, however, the Bureau finds that because of the policy issues raised by the Petition, it is inappropriate for streamlined treatment and should be subject to further analysis and review. Accordingly, the Bureau will issue an order either granting or denying the Petition after considering the record, including any comments filed in response to this Public Notice.

Filing Requirements. Interested parties may file comments on or before the date indicated on the first page of this document.⁶ All filings must refer to **WC Docket Nos. 23-255 and 10-90 and CC Docket No. 96-45.**⁷

- Electronic Filers: Comments may be filed electronically using the Commission’s online Electronic Comment Filing System (ECFS): <https://www.fcc.gov/ecfs/>.⁸
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent 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.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington DC 20554.
 - Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings at its headquarters. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.⁹

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).

Availability of Documents. Comments, reply comments, and *ex parte* submissions will be publicly available online via ECFS.¹⁰

Permit but Disclose Ex Parte Communications. For the purposes of the Commission’s *ex parte* rules, each petition addressed within this Public Notice will be treated as initiating a permit-but-disclose (Continued from previous page) _____

⁴ See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17763, paras. 266-67 (2011).

⁵ See *id.*; 47 CFR § 36.4.

⁶ See 47 CFR §§ 1.2, 1.405, and 1.419.

⁷ All filings relating to this Public Notice should refer *only* to the dockets listed above.

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

⁹ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OMD 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

¹⁰ Documents will generally be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

proceeding under the Commission's rules.¹¹ 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).¹² 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.¹³ 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.¹⁴ 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).¹⁵ 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).¹⁶ Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact William Layton, Telecommunications Access Policy Division, Wireline Competition Bureau at william.layton@fcc.gov or Lynne Engledow, Pricing Policy Division, Wireline Competition Bureau at lynne.engledow@fcc.gov.

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¹¹ See 47 CFR § 1.1206.

¹² *Id.* § 1.2016(b)(2)(iii).

¹³ *Id.* § 1.206(b)(1).

¹⁴ *Id.*

¹⁵ *Id.* § 1.1206(b)(2).

¹⁶ *Id.* § 1.1206(b)(2)(i); see also *id.* § 1.49(f).