



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov

DA 26-689

Released: July 8, 2026

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITIONS FOR PREEMPTION AND DECLARATORY RULING FILED PURSUANT TO SECTION 253 OF THE COMMUNICATIONS ACT

WC Docket No. 26-166

WC Docket No. 26-167

Comments Due: August 24, 2026

Reply Comments Due: September 23, 2026

The Wireline Competition Bureau seeks comment on two petitions for preemption and declaratory ruling filed pursuant to Section 253(d) of the Communications Act (Act).¹ The first petition was filed by Gateway Infrastructure, LLC d/b/a Gateway Fiber (Gateway Fiber) and asks the Commission to preempt “the City of Maple Grove, Minnesota . . . from imposing and requiring a cable communications system franchise agreement . . . as a predicate to issue public right-of-way use permits.”² The second petition was filed by Lumos Fiber of Ohio, LLC (Lumos Fiber) and asks the Commission to preempt requirements imposed on its requests for right-of-way permits by two Ohio counties.³ Specifically, Lumos Fiber asks that the Commission preempt: (1) per-foot construction charges, inspection fees, and a professional survey requirement imposed by Stark County, Ohio; and (2) a professional survey requirement imposed by Mahoning County, Ohio.⁴ Gateway Fiber and Lumos Fiber argue that the requirements challenged by their respective petitions violate Section 253 of the Communications Act.⁵

Interested parties may file comments or oppositions to the Petitions on or before **August 24, 2026** and reply comments on or before **September 23, 2026**. All comments or oppositions addressing the Gateway Fiber Petition must reference WC Docket No. 26-166. All comments or oppositions addressing the Lumos Fiber Petition must reference WC Docket No. 26-167. All comments or oppositions must be addressed to the Secretary, Office of the Secretary, Federal Communications Commission.

¹ 47 U.S.C. § 253(d); *see also* 47 CFR § 1.2(b).

² *Petition of Gateway Infrastructure, LLC d/b/a Gateway Fiber for Preemption and Declaratory Ruling Pursuant to Section 253(d) of the Communications Act of 1934* (rec. June 17, 2025), <https://www.fcc.gov/ecfs/search/search-filings/filing/26109834869> (Gateway Fiber Petition).

³ *Petition of Lumos Fiber of Ohio, LLC for Preemption and Declaratory Ruling Pursuant to Section 253(d) of the Communications Act of 1934* (rec. June 18, 2026), <https://www.fcc.gov/ecfs/search/search-filings/filing/26109835097> (Lumos Fiber Petition).

⁴ *See* Lumos Fiber Petition at 1, 11.

⁵ *See* Gateway Fiber Petition at 1, 14-20; Lumos Fiber Petition at 1, 11-31.

- *Electronic Filers*: Comments and oppositions may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS): www.fcc.gov/ecfs.⁶
- *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 courier, or by the U.S. Postal Service.
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, 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.

Ex Parte Rules. The proceedings this Notice initiates shall be treated as "permit-but-disclose" proceedings in accordance with the Commission's *ex parte* rules.⁷ 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 these proceedings should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Elizabeth Drogula, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1591 or via e-mail at Elizabeth.Drogula@fcc.gov.

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⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

⁷ 47 CFR § 1.1200 *et seq.*