

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

In the Matter of)	AAD 96-61
Petitions for Waivers Filed by)	
)	
Great Plains Communications, Inc. and)	
Petersburg Telephone Company)	
)	
Concerning the Definition of)	
"Study Area" Contained in)	
the Part 36 Appendix-Glossary)	

MEMORANDUM OPINION AND ORDER

Adopted: September 19, 1996

Released: September 20, 1996

By the Chief, Accounting and Audits Division:

1. On June 27, 1996, Great Plains Communications, Inc. ("Great Plains") and Petersburg Telephone Company ("Petersburg") filed a petition for waiver of the definition of "Study Area" as set forth in the Appendix-Glossary of Part 36 of the Commission's rules.¹ That definition froze all study area boundaries, as they existed on November 15, 1984. The requested waivers would allow Great Plains and its wholly-owned subsidiary, Petersburg, to alter the boundaries of their Nebraska study areas by consolidating the Petersburg study area with the Great Plains study area.

2. On July 17, 1996, the Common Carrier Bureau ("Bureau") released a Public Notice soliciting comments on the petition.² The Bureau received comments from one party, the National Telephone Cooperative Association ("NTCA"). NTCA argues that the Commission should dismiss the petitioners' study area waiver request as moot because the Commission found, in a recent clarification of the Part 36 rules,³ that a study area waiver is not required when a

¹ Part 36 contains the rules for allocating carrier's costs and revenues between the state and interstate jurisdictions. See 47 C.F.R. §§ 36.1-36.741.

² *Public Notice*, Great Plains Communications, Inc. and Petersburg Telephone Company Filed a Petition for Waiver of the Definition of "Study Area" Contained in the Appendix-Glossary of Part 36 of the Commission's Rules, DA 96-1145, AAD 96-61, released July 17, 1996 (Common Carrier Bureau 1996).

³ See *In the Matter of Request for Clarification Filed by the National Exchange Carrier Association, Inc. and Petitions for Waivers Filed by Alaska Telephone Company, Ducor Telephone Company and Kingsgate Telephone, Inc., Concerning the Definition of "Study Area" Contained in the Part 36 Appendix-Glossary of the Commission's Rules*, *Memorandum Opinion and Order*, DA 96-1129, AAD 95-173, AAD 96-29, and AAD 96-

holding company is consolidating existing study areas in the same state.

3. We agree with NTCA that Great Plains and Petersburg do not require a study area waiver to take the actions they propose. Petersburg is a wholly-owned subsidiary of Great Plains and Great Plains is consolidating study areas within the same state (Nebraska). Pursuant to the clarification set forth in our *MO&O*, a study area waiver is not required in this case. We note that the Nebraska Public Service Commission has approved the merger and states that it does not object to the consolidation of study areas. Further, the proposed consolidation would not result in increased Universal Service Fund support payments. Because Great Plains and Petersburg do not require a study area waiver, we find that the petition is moot and should be dismissed.

4. IT IS ORDERED, pursuant to Sections 1, 4(i), 5(c), 201-202 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), 201-202, Section 553(b)(A) of the Administrative Procedure Act, 5 U.S.C. § 553(b)(A), and Sections 0.91, 0.291, and 1.3 of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, that the petition filed by Great Plains Communications, Inc. and Petersburg Telephone Company for waiver of Part 36, Appendix-Glossary, of the Commission's Rules, 47 C.F.R. Part 36 Appendix-Glossary, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Kenneth P. Moran
Chief, Accounting and Audits Division
Common Carrier Bureau