

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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

MOTION TO WITHDRAW

The petition filed by Missouri Network Alliance, LLC d/b/a Bluebird Network (“Bluebird”) challenges the lawfulness of right-of-way fees imposed by the City of Columbia, Missouri (“Columbia”). Those fees have since been rendered unlawful by legislation enacted by the Missouri legislature (H.B. 271), as noted in Bluebird’s Reply Comments filed in this proceeding on October 12, 2021.¹ Nevertheless, Bluebird pointed out that H.B. 271 was subject to pending legal challenges and that it had not received confirmation from Columbia that the City would comply with H.B. 271 in the interim.

On November 3, 2021, Columbia made its first filing in this proceeding,² confirming on the record that it would no longer assess Bluebird the right-of-way fees that are the subject of the petition and would instead charge a revenue-based fee as provided for in H.B. 271. With respect to the pending legal challenges to H.B. 271, the City asserts that it “is no longer collecting the challenged fee and thus there is no legal requirement for the Commission to preempt regardless of the outcome of the legal challenges.” According to the City, should it re-impose a right-of-

¹ Reply Comments of Missouri Network Alliance d/b/a Bluebird, WC Docket 21-323 (October 12, 2021).

² See Letter from Nancy Thompson, City Counselor, City of Columbia to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 21-323 (Nov. 3, 2021).

way fee contrary to H.B. 271, “it would be more appropriate for the Commission to allow Bluebird to file a new or amended petition with a new comment period rather than act based on the current record.”³

In light of the change in state law and the City’s representations in its November 3 letter, Bluebird hereby moves to withdraw the above-referenced petition without prejudice.

Respectfully submitted,

BLUEBIRD NETWORK

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November 9, 2021

³ *Id.*

CERTIFICATE OF SERVICE

I, Joshua S. Turner, hereby certify that on this 9th day of November 2021, I caused copies of the foregoing Motion to Withdraw to be mailed via first-class postage prepaid mail to the following:

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