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PUBLIC NOTICE

Federal Communications Commission
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DA 98-293
Released: February 13, 1998

**PENNSYLVANIA PUBLIC UTILITY COMMISSION SEEKS RECONSIDERATION
 OF JANUARY 2, 1998 COMMON CARRIER BUREAU ORDER DENYING
 PENNSYLVANIA COMMISSION'S PETITION FOR WAIVER OF URBAN-RURAL
 DESIGNATION**

CC Docket No. 96-45
AAD/USB File No. 98-36

Comment Date: March 4, 1998
Reply Comment Date: March 16, 1998

On May 8, 1997, the Federal Communications Commission ("Commission") released an Order stating that the determination of whether a school, library, or health care provider is located in an urban or a rural area for purposes of receiving universal service support would be based on the Office of Management and Budget's ("OMB") Metropolitan Statistical Area ("MSA") designation of metropolitan and non-metropolitan counties (or county equivalents), adjusted by the most currently available Goldsmith Modification, which identifies rural areas within large metropolitan counties.¹

On September 30, 1997, the Pennsylvania Public Utility Commission ("Pennsylvania Commission") submitted a request for waiver of the definition of "rural area" contained in section 54.5 of the Commission's rules.² In an order released on January 2, 1998, the Common Carrier Bureau ("Bureau") denied the request of the Pennsylvania Commission, concluding that Pennsylvania had not demonstrated good cause justifying a waiver.³

On February 2, 1998, the Pennsylvania Commission submitted a Petition for

¹ See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, 12 FCC Rcd at 9115-9116, para. 649 (Universal Service Order); Universal Service Order, 12 FCC Rcd at 9042, para. 504. See also 47 C.F.R. § 54.5.

² 47 C.F.R. § 54.5.

³ Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Memorandum Opinion and Order*, DA 98-3 (released January 2, 1998).

Reconsideration of the Bureau's January 2, 1998 Order.⁴ The Pennsylvania Commission seeks reconsideration on its own behalf as well as that of the Center for Rural Pennsylvania of the Pennsylvania General Assembly, the Office of Information Technology, the Pennsylvania Rural Development Council, the Pennsylvania Department of Education, and the Office of Rural Health of Penn State University. Parties wishing to comment on this petition are directed to file comments on or before **March 4, 1998**, to file reply comments on or before **March 16, 1998**, and to follow the procedures set forth below.

Filing Requirements. All filings should reference: Pennsylvania Public Utility Commission, Combined Petition for Reconsideration, CC Docket No. 96-45, AAD/USB File No. 98-36. All interested parties should include the name of the filing party and the date of the filing on each page of their comments and reply comments. Parties should include a table of contents in all documents regardless of length and should indicate whether they are filing an electronic copy of a submission via the Internet or via diskette. Pleadings must comply with Commission rules.⁵ One original and five copies of all comments and reply comments must be sent to Magalie Roman Salas, Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. Three copies also should be sent to Sheryl Todd, Universal Service Branch, Accounting and Audits Division, Common Carrier Bureau, 2100 M Street, N.W., 8th Floor, Washington, D.C. 20554. Copies of documents filed with the Commission may be obtained from the International Transcription Service, 1231 20th Street, N.W., Washington, D.C. 20037, (202) 857-3800. Such documents are also available for review and copying at the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C., from 9:00 a.m. to 4:30 p.m.

Parties may also file informal comments or an exact copy of formal comments electronically via the Internet at: <<http://www.fcc.gov/e-file/ecfs.html>>. Only one copy of an electronic submission must be submitted. A party must note whether an electronic submission is an exact copy of formal comments on the subject line and should note in its paper submission that an electronic copy of its comments is being submitted via the Internet. A commenter also must include its full name and Postal Service mailing address in its submission. Parties not submitting an exact copy of their formal comments via the Internet are also asked to submit their comments on diskette. Parties submitting diskettes should submit them to Sheryl Todd, Universal Service Branch, 2100 M Street, N.W., Room 8606, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labelled with the party's name, proceeding, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. Each diskette should contain only one party's pleadings, preferably in a single electronic file. Electronic submissions are in addition to and not a substitute for the formal filing requirements addressed above.

⁴ Pennsylvania Public Utility Commission, Combined Petition for Reconsideration (filed February 2, 1998).

⁵ See, e.g., 47 C.F.R. §§ 1.49, 1.415, 1.419.

Ex parte contact. Filing of this petition initiates a permit-but-disclose proceeding under the Commission's rules.⁶

For further information on this Public Notice, contact Irene Flannery or Sheryl Todd, Universal Service Branch, Accounting and Audits Division, Common Carrier Bureau at (202) 418-7400.

-- Action by Chief, Accounting and Audits Division --

⁶ See 47 C.F.R. § 1.1206.