



PUBLIC NOTICE

CORRECTED VERSION

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

DA 98-1000

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

**KENDALL TELEPHONE, INC. AND WISCONSIN BELL, INC. FILE PETITION FOR
WAIVER OF SECTIONS 61.41(C), 69.3(E)(6), 69.3(G)(2) AND THE DEFINITION OF
"STUDY AREA" IN PART 36 OF THE COMMISSION'S RULES**

CC DOCKET NO. 96-45

Released: May 27, 1998

Comment Date: June 16, 1998

Reply Date: June 26, 1998

On May 13, 1998, Kendall Telephone, Inc. (Kendall Telephone) and Wisconsin Bell, Inc. (Ameritech Wisconsin) filed a petition for waiver of the definition of "study area" as set forth in Part 36 of the Commission's rules. Ameritech Wisconsin and Kendall seek to alter the boundaries of their existing Wisconsin study areas to reflect the sale of 19 local exchanges, serving approximately 85,000 access lines, from Ameritech Wisconsin to Kendall Telephone.

In addition, Kendall Telephone seeks a waiver of Section 61.41(c) of the Commission's price cap rules, 47 C.F.R. § 61.41, to exempt it from the price cap "all or nothing" rule. That rule requires non-price cap companies, and the telephone companies with which they are affiliated, to become subject to price cap regulation after acquiring a price cap company or any part thereof. The requested waiver would permit Kendall to continue operating under rate-of-return regulation after acquiring the Ameritech Wisconsin exchanges that are currently under price cap regulation. Finally, Kendall Telephone seeks two waivers of Part 69 of the Commission's rules, so that it may remove its current 586 access lines from the National Exchange Carrier Association, Inc.'s (NECA) traffic-sensitive tariff on short notice, and to return the 85,000 access lines in the acquired exchanges to the NECA common line pool after the purchase from Ameritech Wisconsin. The petitioners submitted an Order from the Public Service Commission of Wisconsin (Wisconsin PSC) indicating that the Wisconsin PSC has no objection to the issuance of a study area waiver associated with Kendall's acquisition of the 19 local exchanges from Ameritech Wisconsin.

Interested parties may file comments on the petition on or before **June 16, 1998**, and reply comments on or before **June 26, 1998**. All filings should refer to the pleading as: Joint Petition for Waiver of Definition of "Study Area" contained in Part 36 and Sections 61.41(c), 69.3(e)(6), and 69.3(g)(2) of the Commission's rules Filed by: Kendall Telephone, Inc. and Wisconsin Bell, Inc., DA 98-1000. Interested parties must file one original and five copies of their comments with the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. Parties should also send three copies of their comments to Adrian Wright, Accounting Policy Division, Common Carrier Bureau, Federal

Communications Commission, 2100 M Street, N.W., 8th Floor, Washington, D.C. 20554, and one copy to the Commission's contractor for public service record duplication, International Transcription Service (ITS), 1231 20th Street, N.W., Washington, D.C. 20036. Copies of documents filed with the Commission, including the Petition, may be obtained from Adrian Wright, Accounting Policy Division, 8th Floor, 2100 M Street, N.W., Washington, D.C. Copies are also available at ITS (202) 857-3800.

Pursuant to section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information contact Adrian Wright, Accounting Policy Division, Common Carrier Bureau at (202) 418-7400.

--Action by Chief, Accounting Policy Division--