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FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

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RYE TELEPHONE COMPANY, INC. AND U S WEST COMMUNICATIONS, INC. FILE PETITION FOR WAIVER OF SECTION 61.41(C) OF THE COMMISSION'S PRICE CAP RULES AND THE DEFINITION OF "STUDY AREA" IN PART 36 OF THE COMMISSION'S RULES

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: November 30, 1999

Comment Date: January 18, 2000
Reply Comment Date: January 31, 2000

On October 15, 1999, Rye Telephone Company, Inc. (Rye) and U S WEST Communications, Inc. (U S WEST) filed a petition for waiver of the definition of "study area" as set forth in Part 36 of the Commission's rules. That definition constitutes a rule freezing all study area boundaries. The requested waivers would allow Rye and U S WEST to alter the boundaries of their existing Colorado study areas when transferring a small portion of the Pueblo exchange (94 access lines) from U S WEST to Rye. The petitioners submitted an Order from the Colorado Public Utilities Commission (Colorado PUC) indicating that the Colorado PUC has no objection to the issuance of a study area waiver associated with Rye's acquisition of the 94 access lines from U S WEST. Rye and U S WEST also request that the Commission grant this request without requiring the submission of the detailed information that the Commission has required when considering larger Part 36 study area waiver requests.

Rye also seeks 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 Rye to continue operating under rate-of-return regulation after acquiring the U S WEST exchange that is currently under price cap regulation.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **January 18, 2000**, and reply comments on or before **January 31, 2000**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents*

in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

Parties also must send three paper copies of their filing to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20037.

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, TTY (202) 418-0484.