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GTE NORTH INCORPORATED AND TELEPHONE USA OF WISCONSIN, LLC SEEK WAIVER OF THE DEFINITION OF "STUDY AREA" IN PART 36 OF THE COMMISSION'S RULES AND SECTIONS 61.41(C) AND 69.3(E)(9) OF THE COMMISSION'S PRICE CAP RULES

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: April 25, 2000

Comment Date: May 16, 2000
Reply Comment Date: May 26, 2000

On April 7, 2000, GTE North Incorporated (GTE) and Telephone USA of Wisconsin, LLC (Telephone USA) filed a joint 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 GTE and Telephone USA to alter the boundaries of their existing Wisconsin study areas when transferring 35 local telephone exchanges (61,612 access lines) from GTE to Telephone USA. Petitioners submitted a letter 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 Telephone USA's acquisition of the 35 telephone exchanges from GTE.

Telephone USA 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. Section 61.41(c) 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 Telephone USA to continue operating under rate-of-return regulation after acquiring the GTE exchanges that are currently under price cap regulation. In addition, Telephone USA seeks waiver of section 69.3(e)(9), 47 C.F.R. § 69.3(e)(9), to return the purchased access lines to the National Exchange Carrier Association's common line pool after acquiring them from GTE.

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 **May 16, 2000**, and reply comments on or before **May 26, 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.