

Before the
Federal Communications Commission
Washington, D.C. 20554

PUBLIC NOTICE

Release Date: January 26, 1996

**COMMENT SOUGHT ON PETITIONS FOR WAIVER OF
SECTION 61.41(C)(2) AND THE DEFINITION OF "STUDY
AREA" CONTAINED IN THE APPENDIX-GLOSSARY OF
PART 36 OF THE COMMISSION'S RULES
AAD 95-171**

Comment Date: February 26, 1996

Reply Date: March 12, 1996

On November 8, 1995, United Telephone Company of Kansas (United) and Classic Telephone, Inc. (Classic), a wholly-owned subsidiary of Classic Communications (Classic Communications), filed a joint petition for waiver of the definition of "Study Area" as set forth in the Appendix-Glossary of Part 36 of the Commission's rules. That definition constitutes a rule freezing all study area boundaries. United seeks to alter the boundaries of its existing Kansas study area after selling four of its telephone exchanges (having 5,315 access lines) to Classic. Classic proposes to establish a new study area in Kansas for the purchased exchanges.

Classic Communications and Classic also seek waiver of Section 61.41(c)(2) of the Commission's price cap rules, 47 C.F.R. § 61.41, to exempt them from the price cap "all or nothing" rule. Such waivers would permit the buyers to operate under rate-of-return regulation after acquiring the four exchanges that currently are under price cap regulation. Finally, Classic Communications and Classic request waiver of Section 69(e)(11), if needed, in order that Classic may become an issuing carrier in the National Exchange Carrier Association (NECA) tariffs and participate in all NECA pools effective with the purchase of the four exchanges. The Kansas Corporation Commission has stated, in an Order dated December 8, 1995, that it does not object to the proposed reconfiguration of study area boundaries implied by the transaction.

Interested parties may file comments on the petition on or before February 26, 1996, and reply comments on or before March 12, 1996, with the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. Comments and reply comments should reference AAD 95-171. Four (4) copies should also be sent to Adrian Wright, Cost Analysis Branch, Common Carrier Bureau, Room 812, 2000 L Street, N.W., Washington, D.C. 20554, and one (1) copy should be sent to the Commission's contractor for public service record duplication: International Transcription Service (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037. Copies of the petition may be obtained from the Accounting and Audits Division's public reference room, Room 812, 2000 L Street, N.W., Washington, D.C. Copies are also available from ITS at (202) 857-3800.

We will treat this proceeding as non-restricted for purposes of the Commission's ex parte rules. See generally, 47 C.F.R. §§ 1.1200-1.1206. However, if the waiver petition is opposed this proceeding becomes restricted under the Commission's ex parte rules. See generally, 47 C.F.R. §§ 1.1208-1.1216. For further information contact Adrian Wright at (202) 418-0830.

FEDERAL COMMUNICATIONS COMMISSION