

COLLEEN R. JAMISON
JAMISON LAW, LLC

February 2, 2024

Lynn M. Retz, Executive Director
Kansas Corporation Commission
1500 SW Arrowhead Rd.
Topeka, KS 66604

RE: FCC order – United Telephone/Panhandle
Docket No. 22-UTAT-519-CCS

Dear Ms. Retz:

In accordance with the Commission's July 27, 2022, Order in this docket, please find attached a copy of the Federal Communication Commission's Wireline Competition Bureau's February 1, 2024, Public Notice/Order granting the parties' application requesting FCC approval of United's assignment of substantially all of the assets held by United in the South Englewood exchange to Panhandle.

In footnote 4 of the order, the WCB said that it still hasn't resolved the request for waiver of 51.909(a), 51.917(b)(1), and 51.917(b)(7) regarding Access Recovery Charges, Connect America Fund Intercarrier Compensation support, and reciprocal compensation and switched access rate caps, and that this would be addressed in a subsequent order, which I will file in this docket, as directed by the 7/22/22 Order, as soon as it is released.

If you have any questions, please let me know.

Sincerely,

JAMISON LAW, LLC

Colleen R. Jamison

Colleen R. Jamison

Att.

cc: Todd Houseman
Tony Lee



PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

News Media Information 202 / 418-0500
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DA 24-94

Released: February 1, 2024

**APPLICATION GRANTED FOR THE ACQUISITION OF CERTAIN ASSETS OF
UNITED TELEPHONE ASSOCIATION, INC. TO PANHANDLE TELEPHONE
COOPERATIVE, INC.**

**JOINT PETITION GRANTED FOR WAIVER OF THE DEFINITION OF “STUDY AREA”
CONTAINED IN PART 36 OF THE COMMISSION’S RULES**

WC Docket Nos. 23-255 and 10-90

CC Docket No. 96-45

By this Public Notice, the Wireline Competition Bureau (Bureau) grants an application filed by United Telephone Association, Inc. (United) and Panhandle Telephone Cooperative, Inc. (PTCI) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission’s rules,¹ requesting authority to assign substantially all of the assets held by United in the South Englewood telephone exchange (Exchange) from United to PTCI.² No party filed comments or objections related to the proposed transaction, and the Bureau has determined that grant of this Application serves the public interest.³ Accordingly, we grant the Application.

The Bureau also grants, in part, the Applicants’ joint petition for waiver.⁴ Specifically, the Bureau grants Applicants’ request for waiver of the definition of “study area” codified in the Appendix-Glossary of Part 36 of the Commission’s rules, subject to PTCI’s commitment not to seek Safety Valve

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04.

² See Application for the Assignment of Assets of United Telephone Association, Inc. to Panhandle Telephone Cooperative, Inc., Pursuant to Section 214 of the Communications Act of 1934, as Amended, WC Docket No. 23-255 (filed July 25, 2023) (Application). On September 28, 2023, Applicants filed a supplement to their Application. Letter from Michael R. Bennet, Counsel for PTCI, and Tony S. Lee, Counsel for United, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-255 (filed Sept. 28, 2023) (214 Application Supplement).

³ On October 3, 2023, the Bureau accepted the Application for filing. *Domestic Section 214 Application filed for Acquisition of Certain Assets of United Telephone Association, Inc. to Panhandle Telephone Cooperative, Inc., Pursuant to Section 214 of the Communications Act of 1934, as Amended*, WC Docket No. 23-255, Public Notice, DA 23-929 (WCB 2023).

⁴ See Application at 7; Joint Petition of United and Panhandle for Waiver of the Definition of “Study Area” and Waiver of Sections 51.909 and 51.917 with Respect to the Transfer of the South Englewood, Oklahoma Exchange, CC Docket No. 96-45 and WC Docket No. 10-90 (filed July 25, 2023) (Petition); Supplement to Joint Petition for Waiver, CC Docket No. 96-45 and WC Docket No. 10-90 (filed Dec. 1, 2023) (Petition Supplement). While the Petition also sought a waiver of sections 51.909(a), 51.917(b)(1), and 51.917(b)(7) (collectively, Part 51) to allow the Applicants to adjust their Access Recovery Charges, Connect America Fund Inter-carrier Compensation support, and reciprocal compensation and switched access rate caps, this Public Notice only addresses the study area waiver portion of the Petition. The Bureau will address the Part 51 portion of the waiver request in a subsequent order.

Support (SVS) following the consummation of this transaction.⁵ We find that granting the Petition, as conditioned, would serve the public interest and is consistent with the efficient use of the Universal Service Fund (USF).⁶

Applicants and Description of the Transaction

United, a member-owned Kansas corporation, is a rate-of-return regulated incumbent local exchange carrier (LEC) providing “the latest technologies and services to our customers, from residential landline, wireless phone and Internet, to Streaming TV and Enterprise Business Solutions.”⁷ United, a designated Eligible Telecommunications Carrier (ETC), receives high-cost universal service support through the Connect America Fund Broadband Loop Support (CAF BLS), High-Cost Loop Support (HCLS), Connect America Fund Intercarrier Compensation (CAF ICC), and Mobility Fund support mechanisms.⁸ Aside from serving seven counties in western Kansas,⁹ United serves the South Englewood Exchange in Oklahoma, with approximately 31 lines in what had formerly been known as the Ditch Valley Exchange.¹⁰ As a cooperative corporation, United is owned by its member subscribers, and no individual or entity directly or indirectly owns at least ten percent of the equity of United.¹¹ United has the following board members, all of whom are U.S. citizens, and none of whom owns more than 10% stock in any telecommunications company: Darren Batman; Harry Walker; Kim Unruh; Larry Ackerman; Lee Ann Seiler; Richard Fleming; Sandra Coast; Todd Houseman; and William Neier.¹²

⁵ See 47 CFR pt. 36 Appx. Effective November 15, 1984, the Commission froze all study area boundaries to prevent incumbent local exchange carriers from establishing separate study areas made up only of high-cost exchanges in order to maximize their receipt of high-cost universal service support. See *MTS and WATS Market Structure; Amendment of Part 67 of the Commission’s Rules and Establishment of a Joint Board*, CC Docket Nos. 78-72, 80-286, Decision and Order, FCC 84-637, 50 Fed. Reg. 939 (1985). A carrier must therefore apply to the Commission for a waiver of the study area boundary freeze if it wishes to transfer or acquire additional exchanges.

⁶ Grant of the domestic section 214 application and a portion of the joint petition for waiver is without prejudice to other related pending Commission items or proceedings.

⁷ Application at 2, 5-6.

⁸ *Id.* at 4. United also participates in the Lifeline program and the Affordable Connectivity Program, and the programs will continue to be available post consummation of the transaction. *Id.* United’s study area code (SAC) is 411841. *Id.*

⁹ *Id.* at 1-2, 6. United and its wireline affiliate, United Communications Association, Inc. (UCA), serve the following exchanges in Kansas: Ashland, Cimarron, Copeland, Englewood, Ensign, Ford-Kingsdown, Hanston, Ingalls, Montezuma, Spearville, and Garden City, Sublette, Liberal, Fowler, Minneola, Bucklin, Coldwater, Dodge City, Meade, Protection, Kinsley, Plains, Jetmore, and Scott City. *Id.* at 7. UCA provides Voice over Internet Protocol, interexchange, video, and data services. *Id.* at 9; 214 Application Supplement at 1 (clarifying that UCA is not part of the transaction with PTCI). United’s wholly owned subsidiary, United Wireless Communications, Inc. (UWC), provides wireless telecommunications services. *Id.*; 214 Application Supplement at 1 (clarifying that UWC is not part of the transaction with PTCI).

¹⁰ Application at 1-2.

¹¹ *Id.* at 2.

¹² *Id.* at 8.

PTCI, a member-owned Oklahoma corporation, is a rate-of-return regulated incumbent LEC offering broadband, voice, and mobile wireless services in the Oklahoma Panhandle.¹³ PTCI provides local exchange, interexchange, and broadband services in each of its Oklahoma exchanges.¹⁴ PTCI, a designated ETC, receives high-cost universal service support through the CAF BLS, HCLS, and CAF ICC support mechanisms.¹⁵ As a cooperative corporation, PTCI is owned by its member subscribers, and no single member-subscriber owns or controls more than 10 percent of PTCI.¹⁶ PTCI has the following board members, all of whom are U.S. citizens, and none of whom owns more than 10% stock in any telecommunications company: Charles Russell; Dennis Zimmerman; Earl Wells; Jana Wallace; Larry January; Lonnie Bailey; Milton Headrick; Robert Thrash; Roger Edenborough; Rowdy McBee; and Scott Martin.¹⁷ Applicants state that “neither PTCI nor any of its affiliates, hold a 10% or greater interest in any other provider of domestic telecommunications services.”¹⁸

Pursuant to the terms of the proposed transaction, PTCI will acquire substantially all of the assets held by United in the Exchange, including, but not limited to, its telecommunications facilities, customer databases, and associated contracts.¹⁹ The sale of assets will be transparent to the customers of United and PTCI.²⁰ Applicants assert the transaction is in the public interest as customers will receive superior service; the transaction will not harm competition or the Universal Service Fund; and PTCI has a proven record of investing in rural networks and communities and of providing high quality telecommunications services to rural areas in Oklahoma.²¹ Additionally, there is no overlap of exchanges or service areas between PTCI and United and their affiliates.²²

Grant of the Section 214 Application

We find, upon consideration of the record, that a grant of the Application will serve the public interest, convenience, and necessity. To make this determination under Commission precedent, we consider whether the proposed transaction complies with the Act, related statutes, and the Commission’s rules and, if so, whether it could result in public interest harms by substantially frustrating or impairing the objectives or implementation of the Act or related statutes.²³ We then

¹³ *Id.* at 2, 5-6. PTCI serves the following exchanges in Oklahoma: Adams, Balko, Beaver, Boise City, Bryans Corner, Eva, Felt-Wheelless, Floris, Forgan, Gate, Goodwell, Griggs, Guymon, Hardesty, Hooker, Kenton, Keyes, Laverne, Logan, Texhoma, Turpin, and Tyrone. *Id.* at 9.

¹⁴ *Id.* at 2.

¹⁵ *Id.* at 4. PTCI also participates in the Lifeline program and the Affordable Connectivity Program, and the programs will continue to be available post consummation of the transaction. *Id.* PTCI’s SAC is 432016. *Id.*

¹⁶ *Id.* at 6. PTCI has one wholly-owned affiliate, Panhandle Telecommunications Systems, Inc. (PTSI), a wireless telecommunications service provider. *Id.* at 7; 214 Application Supplement at 1. PTSI holds a 38 percent ownership interest in Texas RSA No. 2 Limited Partnership, also a wireless telecommunications service provider. 214 Application Supplement at 1.

¹⁷ Application at 7-8.

¹⁸ 214 Application Supplement at 1.

¹⁹ Application at 2.

²⁰ *Id.*

²¹ *Id.* at 3, 7.

²² *Id.* at 9.

²³ See, e.g., *Application of Verizon Communications Inc. and América Móvil S.A.B. de C.V. for Consent to Transfer Control of International Section 214 Authorization*, GN Docket No. 21-112, IBFS File No. ITC-T/C-20200930-00173, Memorandum Opinion and Order, 36 FCC Rcd 16994, 16996, para. 21 (2021) (*Verizon-*

employ a balancing test that weighs any potential public interest harms of the proposed transaction against any potential public interest benefits.²⁴ The Applicants bear the burden of proving, by a preponderance of the evidence, that the proposed transaction, on balance, serves the public interest.²⁵ We next consider whether the proposed transaction is likely to generate verifiable, transaction-specific public interest benefits.²⁶ Applicants must provide evidence of a claimed benefit to allow the Commission to verify its likelihood and magnitude.²⁷ Where potential harms appear unlikely, as is the case with the Application before us here, the Commission accepts a lesser degree of magnitude and likelihood than when harms are present.²⁸

We recognize the potential public benefit and efficiencies that may result from the addition of PTCI's resources and proximity to the Exchange and are persuaded that PTCI seeks to maximize the availability and benefits of its services to these customers.²⁹ At the same time, we must also guard against the potential for public harm that may arise when providers are receiving more universal service support than necessary, which, as the Commission has found, is "especially important in the context of limited high-cost support, because overpayment to some carriers reduces the funding available to other providers."³⁰ Such an overpayment in USF support resulting from the proposed transaction would put pressure on the limited resources of the high-cost fund. As the Commission has found, a transaction that could result in an increased burden on the USF solely as a result of the transaction contrasts with

TracFone Order) (citing *China Mobile International (USA) Inc., Application for Global Facilities-Based and Global Resale International Telecommunications Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended*, ITC-214-20110901-00289, Memorandum Opinion and Order, 34 FCC Rcd 3361, 3366, para. 9 (2019); *Applications for Consent to the Assignment and/or Transfer of Control of Licenses, Adelphia Communications Corporation (and Subsidiaries, Debtors-in-Possession), Assignors, to Time Warner Cable Inc. (Subsidiaries), Assignees; Adelphia Communications Corporation, (and Subsidiaries, Debtors-in-Possession), Assignors and Transferors et al.*, MB Docket No. 05-192, Memorandum Opinion and Order, 21 FCC Rcd 8203, 8219-21, paras. 27-28 (2006) (*Adelphia-TWC Order*)).

²⁴ See *Verizon-TracFone Order*, 36 FCC Rcd at 16996, para. 21 (citing *Applications of AT&T Inc. and DIRECTV for Consent to Assign or Transfer Control of Licenses and Authorizations*, MB Docket No. 14-90, Memorandum Opinion and Order, 30 FCC Rcd 9131, 9140, para. 18 (2015) (*AT&T-DIRECTV Order*)) (further citations omitted).

²⁵ See *Verizon-TracFone Order*, 36 FCC Rcd at 16996, para. 21 (citing *AT&T-DIRECTV Order*, 30 FCC Rcd at 9140, para. 18; *Adelphia-TWC Order*, 21 FCC Rcd at 8217, para. 23; *Application of EchoStar Communications Corp., General Motors Corp., and Hughes Electronics Corp., Transferors, and EchoStar Communications Corp., Transferee*, CS Docket No. 01-348, Hearing Designation Order, 17 FCC Rcd 20559, 20574, para. 25 (2002)) (further citations omitted).

²⁶ See *AT&T/DIRECTV Order*, 30 FCC Rcd at 9237, paras. 273-74.

²⁷ See *id.* at 9237-38, paras. 275-76.

²⁸ See *id.*

²⁹ Applicants state that "PTCI plans to deploy fiber facilities to the area, allowing customers to receive higher broadband speeds and more advanced services. They will also benefit from being served out of Oklahoma rather than Kansas. Because PTCI already operates in Oklahoma, it and its customers will benefit from the corresponding efficiencies in connection with its provision of service in the Exchange. E911 service may function better as well because 911 callers will be routed to a PSAP in the state of Oklahoma, the state where the call is most likely made from." Application at 3.

³⁰ *Joint Application of W. Mansfield Jennings Limited Partnership and Hargray Communications Group, Inc. for Consent to the Transfer of Control of ComSouth Corporation Pursuant to Section 214 of the Communications Act of 1934*, WC Docket 18-52, Memorandum Opinion and Order, 33 FCC Rcd 4780, 4786, para. 21 (2018) (*Hargray/ComSouth Order*) (citing *Connect America Fund et al., Report and Order et al.*, 33 FCC Rcd 2990, 2995, para. 13 (2018) (*CAF 2018 Order*)).

our general expectation that transactions generate efficiencies that reduce costs.³¹

In addressing the broader impact of the proposed transaction on the USF, Applicants assert that the transaction “actually would result in less demand” on the USF, “with increased funding for PTCI (to cover the [] Exchange) more than offset by decreased funding for United.”³² We also note that this transaction “will not reduce competition in the relevant market as it will only change the identity of the landline carrier in the sparsely-populated exchange.”³³ We thus find that Applicants have sufficiently addressed the potential public harm arising from the proposed transaction.³⁴

Having addressed, any potential public interest harms of the transaction, we find that the proposed transaction will lead to public interest benefits. Customers in the Exchange “will continue to receive high quality broadband and voice service”³⁵ from a provider in their own state rather than a different state.³⁶ And those rural customers will have the opportunity to receive “higher broadband speeds and more advanced services” because PTCI intends to deploy fiber facilities to the area.³⁷ Additionally, because PTCI already operates in Oklahoma, “it and its customers will benefit from the corresponding efficiencies in connection with its provision of service in the Exchange.”³⁸ Accordingly, we find it likely that the proposed transaction would result in some public interest benefits and, given the lack of potential harms, find on balance, that the proposed transaction serves the public interest.

Study Area Boundary Waiver Request Grant

We next consider Applicants’ petition for waiver of the study area boundary freeze. A study area is a geographic segment of an incumbent LEC’s telephone operations. Generally, a study area corresponds to an incumbent LEC’s entire service territory within a state. The Commission froze all study area boundaries effective November 15, 1984.³⁹ The Commission took this action to prevent incumbent LECs from establishing separate study areas made up only of high-cost exchanges to maximize their receipt of high-cost universal service support.⁴⁰ A carrier must therefore apply to the

³¹ *Hargray/ComSouth Order*, 33 FCC Rcd at 4784, para. 19.

³² Application at 3; *see also infra* Study Area Boundary Waiver Request Grant.

³³ *Id.*

³⁴ When determining whether a proposed transfer of control is consistent with the public interest, convenience, and necessity, we must first assess whether the proposed transaction complies with the specific provisions of the Act, other applicable statutes, and the Commission’s rules and then, second, consider whether a proposed transaction “could result in public interest harms by substantially frustrating or impairing the objectives or implementation of the [Communications] Act or related statutes.” *See, e.g., Applications of Level 3 Communications, Inc. and CenturyLink, Inc. for Consent to Transfer Control of Licenses and Authorizations, Memorandum Opinion and Order*, 32 FCC Rcd at 9585, para. 9 (2017) (*Level 3-CenturyLink Order*).

³⁵ Application at 2-3.

³⁶ *Id.* at 3.

³⁷ *Id.* at 3, 7.

³⁸ *Id.* at 3.

³⁹ *See MTS and WATS Market Structure, Amendment of Part 67 of the Commission’s Rules and Establishment of a Joint Board*, CC Docket Nos. 78-72, 80-286, Decision and Order, 50 Fed. Reg. 939 (1985) (*Part 67 Order*) (adopting Recommended Decision and Order, 49 Fed. Reg. 48325 (1984)); *see also* 47 CFR pt. 36 Appx.

⁴⁰ *Connect America Fund, et al.*, WC Docket No. 10-90, CC Docket No. 96-45, Order, 31 FCC Rcd 10683, para. 2 (WCB 2016).

Commission for a waiver of the study area boundary freeze in order to sell or purchase additional exchanges.⁴¹

Generally, the Commission's rules may be waived for good cause shown.⁴² The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.⁴³ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁴⁴ Waiver of the Commission's rules is therefore appropriate only if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.⁴⁵

In the *USF/ICC Transformation Order*, the Commission revised its approach for evaluating petitions for study area waivers, concluding that it would apply two criteria—first, that the state commission having regulatory authority over the transferred exchanges does not object to the transfer and, second, that the transfer is in the public interest.⁴⁶ The Commission stated that its evaluation of the public interest benefits of a proposed study area waiver will include: (1) the number of lines at issue; (2) the projected universal service fund cost per line; and (3) whether such a grant would result in a consolidation of study areas that facilitates reductions in cost by taking advantage of the economies of scale, i.e., reduction in cost per line due to the increased number of lines.⁴⁷

We find that the Applicants have demonstrated good cause to waive the study area boundary freeze to permit United to alter the boundaries of its existing Study Area No. 411841 by removing the Exchange that it will transfer to PTCI, subject to the agreed-upon commitment described below, to expand PTCI's study area by incorporating the Exchange as a new exchange in PTCI's existing Study Area No. 432016.

First, the Applicants have demonstrated that the state commission with regulatory authority over the transferred exchange does not object to the requested study area waiver. The Applicants explain that, on July 28, 2022, the Kansas Corporation Commission concluded that it did not object to the study area boundary change associated with the transfer of the Exchange from United to PTCI.⁴⁸

⁴¹ *Part 67 Order*, 50 Fed. Reg. at 939, para. 1. In 2011, the Commission adopted a streamlined process for study area waiver petitions under which the waiver is deemed granted on the 60th day after the reply comment due date unless the Bureau provides notice that the petition requires further analysis and review. *Connect America Fund, et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17763, para. 267 (2011) (*USF/ICC Transformation Order*). Because of the complex issues presented in the Study Area Waiver Petition, it was not eligible for streamlined processing.

⁴² 47 CFR § 1.3.

⁴³ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

⁴⁴ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

⁴⁵ *Northeast Cellular*, 897 F.2d at 1166.

⁴⁶ *USF/ICC Transformation Order*, 26 FCC Rcd at 17762, para. 265.

⁴⁷ *Id.*

⁴⁸ Petition at 3 (citing *In the Matter of the Application of United Telephone Association, Inc. to Relinquish its Certificate of Convenience and its Designation as an Eligible Telecommunications Carrier and Certificate of Convenience in the South Englewood, Oklahoma Exchange; Application for Allocation of KUSF Support; and Application for Tariff Revision*, Order Granting COC and ETC Relinquishment; Approving Tariff Revision and Reduction in KUSF Support, Docket No. 22-UTAT-519-CCS, rel. July 28, 2022; *Application of Panhandle Telephone Cooperative, Inc. for Designation as an Eligible Telecommunications Carrier Pursuant to the Telecommunications Act of 1996*, Final Order, Case No. PUD2022-000039, Order No. 729583 (Nov. 3, 2022)).

The Oklahoma Corporation Commission also determined on April 27, 2023 that it does not object to the transfer or to the change in the study area boundaries.⁴⁹

Second, we conclude that, on balance, the requested study area boundary freeze waiver, subject to PTCI's commitment not to seek SVS, would serve the public interest. Applicants state that there are 31 customer lines in the Exchange.⁵⁰ The proposed transfer will serve these customers well as "PTCI plans to invest in the Exchange, including the deployment of fiber-to-the-home facilities that will bring reliable voice and high-speed broadband services to residents and businesses in the Exchange."⁵¹ Transferring the Exchange in rural Oklahoma from a Kansas study area with PTCI's existing operations in Oklahoma "will [also] better align the service areas with state boundaries, which is likely to reduce potential confusion for customers and facilitate more efficient state administration of broadband grant programs."⁵² In addition, the transaction will not have an adverse impact on the federal USF. Applicants provided a comparative analysis which calculates that over the next nine years, there will be a net reduction in the amount drawn down from the USF in connection with the Exchange, and therefore a positive impact on, the USF by more than \$50,000.⁵³

We were concerned, however, about the potential increases in USF high-cost support if PTCI were to receive SVS, additional support available above the high-cost loop cap that is available to carriers that acquire high-cost exchanges and make substantial post-transaction investment to enhance network infrastructure.⁵⁴ Applicants have, however, supplemented the Petition record and informed the Commission that PTCI "will forgo safety valve support."⁵⁵ Subject to this agreed-upon commitment, we find the proposed transaction would result in significant benefits for the customers in the Exchange.

Finally, although the requested study area boundary waiver will not result in a consolidation of study areas that facilitate reductions in cost, it will transfer United's South Englewood telephone exchange into PTCI's existing study area, which abuts this exchange in the Oklahoma Panhandle. As discussed above, the transaction is expected to result in an overall decrease in USF high-cost support.

⁴⁹ Petition at 3 (citing *Joint Application & Notification of Transaction Resulting in a Transfer of Customers From United Telephone Association, Inc. to Panhandle Telephone Cooperative, Inc.*, Final Order Approving Joint Application and Notification of Transaction, Case No. PUD 2023-000020, Order No. 733926 (rel. April 27, 2023)).

⁵⁰ Petition Supplement at 2.

⁵¹ Petition at 3.

⁵² *Id.*

⁵³ Petition at 4-5 (stating the "analysis calculates the amount of [support] that each party estimates it will receive as a result of its long-term capital and operating expense forecasts, which have been prepared to both include and exclude the Exchange").

⁵⁴ See 47 CFR § 54.305; *Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, CC Docket No. 96-45 et al., Fourteenth Report and Order, Twenty Second Order on Reconsideration, and Further Notice of Proposed Rulemaking, 16 FCC Rcd 11244, 11285-86, para. 99 (2001); USAC, <https://www.usac.org/high-cost/funds/legacy-fuNCCnds/safety-valve-support/>.

⁵⁵ Petition Supplement at 2. We make no determinations on whether PTCI would qualify for SVS post-transaction, we deem this issue moot based on the fact that PTCI will not seek SVS support following the consummation of this transaction. Additionally, the agreed-upon commitment would not supersede any contradictory result required by Commission action in pending proceedings. We direct United to work with the National Exchange Carrier Association (NECA) and the Bureau, and provide any information necessary, to remove costs associated with the Exchange from United's costs.

In addition, the voluntary commitment by PTCI to not seek safety valve support ensures the overall amount of support would remain stable.

Conclusion

Accordingly, pursuant to section 214 of the Act, 47 U.S.C. § 214, and sections 0.91, 0.291, 63.03, and 63.04 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 63.03, and 63.04, the Bureau hereby grants the Application discussed in this Public Notice.⁵⁶

Further, pursuant to sections 1, 4(i), 5(c), 201, 202, and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), 201, 202, and 254, and to the authority delegated in sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 1.3, the Bureau hereby grants the joint petition for waiver of the study area boundary freeze as codified in Part 36, Appendix Glossary, of the Commission's rules, 47 CFR pt. 36 Appx., filed by the Applicants as discussed herein, subject to compliance with the condition described above.

Pursuant to section 1.103 of the Commission's rules, 47 CFR § 1.103, the consents granted herein are effective upon release of this Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Megan Danner, Competition Policy Division, Wireline Competition Bureau at megan.danner@fcc.gov or William Layton, Telecommunications Access Policy Division, Wireline Competition Bureau at william.layton@fcc.gov.

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⁵⁶ Within 30 days of closing the proposed transaction, Applicants must notify USAC so that it can make any appropriate changes to the High Cost Universal Broadband (HUBB) online location reporting portal for universal service recipients.