

Resolution Concerning Separations Study Area Mergers

WHEREAS, *Telephone and Data Systems, Inc. (TDS), petitioned for a blanket waiver of Sections 36.125(f), 36.154(e)(1) and (2) and the definition of "study area" contained in Part 36, Subpart H, Appendix-Glossary of the Federal Communications Commission's (FCC) Rules and for a blanket waiver in Case #AAD-9-1938; and*

WHEREAS, *A blanket waiver would provide flexibility to a company without reasonable regulatory oversight and would circumvent the joint Federal/State process required to develop the rules; and*

WHEREAS, *The existing FCC process allows for individual study area waivers on an ad hoc basis; and*

WHEREAS, *Under the company's proposed blanket waiver procedure, the study areas could become different for State and Federal jurisdictions, causing a mismatch in financial and separations information and data used to determine revenue requirements; and*

WHEREAS, *If States do not have the opportunity to scrutinize study area changes, verification of the company's jurisdictional costs becomes extremely difficult; and*

WHEREAS, *United States Code, Title 47, Section 410(c) requires that all jurisdictional cost allocations must be referred to a Federal/State Joint Board: now, therefore, be it*

RESOLVED, *That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC), assembled at its 1990 Winter Committee Meeting in Washington, D.C., as a general rule does not endorse blanket waivers because, in fact, blanket waivers are effectively a defacto change in the rules; and be it further*

RESOLVED, *That the NARUC file reply comments to the FCC in Case #AAD-9-1938 opposing the blanket waiver petition of TDS.*

*Sponsored by the Committee on Communications
Adopted February 28, 1990*