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In the Matter of)
)
Petition of Lincoln County, Oregon and the)
Economic Development Alliance of)
Lincoln County, a non-profit corporation for)
Declaratory Ruling and Preemption Pursuant to)
Section 253 of the Communications Act of 1934)
of Certain Provisions of the Oregon)
Telecommunications Utility Law)

CC Docket No. 97-241

ORDER

Adopted: December 23, 1998

Released: December 23, 1998

By the Chief , Policy and Program Planning Division:

1. In this order, we dismiss as moot a petition for preemption filed by Lincoln County, Oregon (Lincoln County) and the Economic Development Alliance of Lincoln County (The Alliance) on December 4, 1997, pursuant to section 253 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996.¹ Lincoln County and the Alliance sought preemption of Oregon Revised Statute § 759.020(1) as interpreted and applied by the Oregon Public Utility Commission (Oregon PUC). That section prohibits the offering of telecommunications service on a "for hire" basis without a Certificate of Authority from the Oregon PUC.

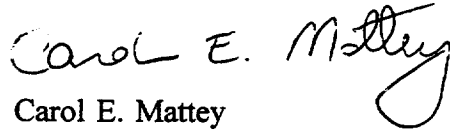
2. In an *Ex Parte* letter filed on December 23, 1998, Lincoln County noted that, because "the operative facts have significantly changed since the filing of the original petition," the petition for preemption "is, in large part, now moot." Lincoln County indicates that the petition for preemption should be dismissed without prejudice.

3. Accordingly, IT IS ORDERED, pursuant to authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that the petition for preemption filed by Lincoln County and Economic development Alliance IS DISMISSED without prejudice.

¹ In a Public Notice, DA 97-2577, released December 9, 1997, the Common Carrier Bureau established a pleading cycle on the Lincoln County Petition.

4. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



Carol E. Matthey

Chief

Policy and Program Planning Division

Common Carrier Bureau