



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 01-1394
Released: June 15, 2001

COMMISSION SEEKS COMMENT ON APPLICATION FOR CONSENT TO TRANSFER CONTROL FILED BY BERKSHIRE CABLE CORPORATION d/b/a BERKSHIRE LONG DISTANCE AND CITIZENS COMMUNICATIONS COMPANY

PLEADING CYCLE ESTABLISHED

CC Docket No. 01-125

On May 21, 2001, Berkshire Cable Corporation d/b/a Berkshire Long Distance (“Berkshire”) and Citizens Communications Company (“Citizens”) (collectively, “the Applicants”), filed applications pursuant to sections 214 and 310(d) of the Communications Act of 1934, as amended (“the Act”), 47 U.S.C. §§ 214, 310(d), requesting Commission approval to transfer control to Citizens of Commission licenses and authorizations held by Berkshire to provide domestic and international telecommunications services.¹ Specifically, Applicants request Commission approval to transfer control of wireless licenses and domestic authorization held by Berkshire and its subsidiaries to Citizens.² Under the terms of the proposed transfer of control, Berkshire Telephone Corporation, the parent of Berkshire, will become a wholly-owned subsidiary of Citizens. Pursuant to agreement, Berkshire will continue the provision of telecommunications services, including provision of interstate domestic services.

¹ See Berkshire Cable Corporation d/b/a Berkshire Long Distance, and Citizens Communications Company, Application for Transfer of Control (filed May 21, 2001); Application for Assignments of Authorization and Transfer of Control of Berkshire Cable Company to Citizens Communications Company, File No. 0000463076 (filed May 21, 2001); Application for Assignment of Authorization and Transfer of Control of Berkshire Telephone Corporation to Citizens Communications Company, File No. 0000460304 (filed May 21, 2001); Application for Consent to Transfer Control of Berkshire Cable Corporation, d/b/a Berkshire Long Distance to Citizens Communications Company (File No. ITC-T/C-20010521-00317).

² The Applicants have filed a separate application with the Commission’s International Bureau to transfer control of Berkshire’s international section 214 authorization. See Application for Consent to Transfer Control of Berkshire Cable Corporation, d/b/a Berkshire Long Distance to Citizens Communications Company (File No. ITC-T/C-20010521-00317). The application for consent to transfer control to Citizens of international section 214 authority held by Berkshire was found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 63.12 of the Commission’s rules. See *Streamlined International Applications Accepted for Filing*, Report No. TEL-00404S (rel. June 1, 2001); see also 47 C.F.R. § 63.12.

Berkshire is a privately-owned telecommunications company, providing local exchange and exchange access services to rural communities in the state of New York, as well as cable television services. Berkshire provides interstate and international services within its local exchange carrier (LEC) service territory. Berkshire's rural incumbent LECs serve approximately 6,700 access lines in five rural New York exchanges: Kinderhook, Valatie, Niverville, Stuyvesant and Stuyvesant Falls.³ Neither Berkshire nor its affiliates operate as a competitive LEC.⁴

Citizens, a Delaware corporation, is a publicly traded, diversified public utility. Citizens currently serves portions of rural New York, but does not provide local exchange services as an incumbent or competitive carrier in Berkshire's operating area or to any adjacent area.⁵ Through its operating subsidiaries and divisions, Citizens will, upon closing of all pending and announced transactions, provide both regulated and competitive telecommunications to approximately three million customers in more than 25 states.

The Applicants assert that the purchase of Berkshire by Citizens will serve the public interest by affording existing Berkshire customers innovative and cost-effective services. The Applicants further state that existing customers will suffer no adverse impact as a result of the transaction.

TRANSFER OF CONTROL APPLICATIONS

The applications for transfer of control listed below include wireless licenses and a domestic authorization. Below is a non-exhaustive list of the authorizations and license applications involved in this transaction. Interested parties should refer to the Applications for Consent to Transfer Control filed in CC Docket No. 01-125 for a complete listing of Berkshire's licenses and authorizations.

SECTION 310 APPLICATIONS

Part 22 — Paging and Radiotelephone Service

The following application for consent to transfer control from Berkshire to Citizens has been assigned the following file number.

³ See Letter from Sylvia Lesse, Counsel to Berkshire and Citizens, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 01-125 (filed June 11, 2001). Berkshire's affiliates also provide long distance services within the incumbent service territory. *Id.*

⁴ *Id.*

⁵ *Id.* According to the Applicants, Citizens does not provide any mobile telephony services interconnected with the public switched telephone network within the state of New York. *Id.*

File Number
0000463076

Licensee
Berkshire Cable Corporation

Call Sign
KPE254

Part 90 — Industrial/Business Pool, Conventional

The following application for consent to transfer control from Berkshire to Citizens has been assigned the following file number.

File Number
0000460304

Licensee
Berkshire Telephone Corporation

Call Sign
WPPA850

DOMESTIC SECTION 214 APPLICATION

Part 63 – Domestic Service (47 C.F.R. § 63.01)

Berkshire and Citizens have filed a joint application pursuant to section 214 of the Act for Citizens to acquire and operate domestic transmission lines held by Berkshire.

GENERAL INFORMATION

The transfer of control requests identified herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file petitions to deny within 30 days following the release of this Public Notice.⁶ Final action will not be taken on the applications earlier than 31 days following the date of this Public Notice.⁷

All filings concerning any or all matters in this Public Notice should refer to **CC Docket No. 01-125**. An original and 4 copies of all pleadings, in accordance with Section 1.51(c) of the Commission's rules, 47 C.F.R. § 1.51(c), must be filed with the Commission's Secretary, Magalie Roman Salas, 445 12th Street, S.W., TW-B204, Washington, D.C. 20554. In addition, one copy of each pleading must be delivered to each of the following: (1) International Transcription Service, Inc. (ITS), 445 12th Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800; (2) Janice Myles, Common Carrier Bureau, 445 12th Street, S.W., 5-B145, Washington, D.C. 20554; (3) Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., 8-A820, Washington, D.C. 20554; (4) John Branscome, Wireless Telecommunications Bureau, 445 12th Street, S.W., 4-A161 Washington D.C.

⁶ See, e.g., 47 C.F.R. § 63.52(c).

⁷ See 47 C.F.R. § 63.52(b); 47 U.S.C. § 309(b).

20554; and (5) Jeff Tobias, Wireless Telecommunications Bureau, 445 12th Street, S.W., 2-C828, Washington, D.C. 20554.

In addition to filing paper comments, parties may also file comments using the Commission's Electronic Comment Filing System (ECFS). *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. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and 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 are also encouraged to file a copy of all pleadings on a 3.5 inch diskette in an IBM-compatible format using Microsoft Word 97 for Windows software in "read only" mode. Diskette submissions should be in addition to and not a substitute for, the hard copy filing requirement reviewed above. All diskettes should be clearly labeled with : (1) the party's name; (2) the name of the proceeding and docket number; (3) the type of filing submitted (*e.g.*, comments or oppositions); and (4) the date of submission. The diskettes should be accompanied by a cover letter and filed with CeCi Stephens, Policy and Program Planning Division, Common Carrier Bureau, 445 12th Street, S.W., 5-C140, Washington, D.C. 20554.

Copies of the applications and any subsequently filed documents in this matter may be obtained from International Transcription Service, Inc. (ITS), 445 12th Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800. The applications and documents are also available for public inspection and copying during normal reference room hours at the Commission's Reference Information Center, 445 12th Street, S.W., CY-A257, Washington, D.C. 20554. In addition, the applications filed under Parts 22 and 90 of the Commission's rules are available electronically through the Wireless Telecommunications Bureau's Universal Licensing System, which may be accessed on the Commission's Internet site at <http://www.fcc.gov>.

For further information, contact Aaron Goldberger, Policy and Program Planning Division, Common Carrier Bureau at (202) 418-1580.