



# PUBLIC NOTICE

Federal Communications Commission  
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**DA 02-1864**  
**Released: August 6, 2002**

## DOMESTIC SECTION 214 APPLICATION FILED FOR CONSENT TO ACQUIRE ASSETS OF WESTERN INTEGRATED NETWORKS OF CALIFORNIA

### STREAMLINED PLEADING CYCLE ESTABLISHED

**WC Docket No. 02-191**

On June 21, 2002, SureWest TeleVideo (SureWest), pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214 (the Act), filed an application for approval to acquire the assets and customer base of Western Integrated Networks of California Operating L.L.C. (WINfirst). The asset acquisition has been submitted for approval by the United States Bankruptcy Court for the District of Colorado.

SureWest states that WINfirst is a non-dominant carrier that provides services exclusively outside the geographic areas where SureWest, through its affiliate Roseville Telephone Company (Roseville), provides service as an incumbent local exchange carrier (LEC). Accordingly, SureWest asserts that this application is subject to streamlined processing under section 63.03(b)(2)(ii) of the Commission's rules.<sup>1</sup>

SureWest is wholly owned by SureWest Communications, a publicly traded company. The only entity controlling at least ten percent (10%) of SureWest is the SureWest Employee Benefit Plan. This transaction involves the acquisition of the WINfirst assets and customer base through an asset purchase agreement with SureWest and its parent company and subsequent operations by SureWest.

SureWest currently provides no domestic telecommunications services, but its affiliate Roseville provides incumbent LEC services in the Roseville, and Citrus Heights, California telephone exchange areas. Roseville currently provides domestic telecommunications services as a competitive LEC in portions of Placer County and portions of the Sacramento County telephone exchanges areas of California. SureWest affiliate Roseville Long Distance Company

<sup>1</sup> 47 C.F.R. § 63.03(b)(2)(ii).

provides domestic telecommunications services as a non-dominant reseller of interexchange service nationwide.

WINfirst and its affiliates currently provide domestic telecommunications services as a competitive LEC in the telephone exchange areas of portions of Sacramento County, California. WINfirst and its affiliates provide domestic telecommunications services as a non-dominant reseller of interexchange service nationwide.

Once it acquires WINfirst's assets and customer base, SureWest states that it will have a market share in the interstate, interexchange market of less than ten percent (10%). In addition, SureWest claims it would provide exchange access services through the acquisition exclusively in geographic areas served by a dominant LEC that is not a party to this transaction. SureWest, by virtue of its affiliation with Roseville, is an incumbent carrier, but WINfirst is a non-dominant carrier that provides services exclusively outside the SureWest service areas. Furthermore, SureWest asserts that granting its application will serve the public interest by ensuring continued and uninterrupted access to the public switched telephone network by customers who are currently subscribing to services from WINfirst.<sup>2</sup> SureWest seeks special consideration of this application as WINfirst, a Chapter 11 Bankrupt Debtor faces imminent business failure and disconnection of services to customers.

## **GENERAL INFORMATION**

The transfer of control application identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. 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 **comments within 14 days** and **reply comments within 21 days** of this notice.<sup>3</sup> Unless otherwise notified by the Commission, an applicant is permitted to transfer control of the domestic lines or authorization to operate on the 31<sup>st</sup> day after the date of this notice. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (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 referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the

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<sup>2</sup> The only other Commission application related to this transaction is a jointly filed application to transfer control of international section 214 authority.

<sup>3</sup> *See* 47 C.F.R. § 63.03(a).

applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should 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 who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

**In addition, one copy of each pleading must be sent to each of the following:**

- (1) the Commission's duplicating contractor, Qualex International, 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: [qualexint@aol.com](mailto:qualexint@aol.com); facsimile: (202) 863-2898; phone: (202) 863-2893.
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: [twilson@fcc.gov](mailto:twilson@fcc.gov), and
- (3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 6-A461, Washington, D.C. 20554; e-mail: [dcjohnso@fcc.gov](mailto:dcjohnso@fcc.gov), and
- (4) Imani Ellis-Cheek, Telecommunications Division, International Bureau, 445 12<sup>th</sup> Street, S.W., Room 6-A739, Washington, D.C. 20554; email: [iellis@fcc.gov](mailto:iellis@fcc.gov); and
- (5) Nandan Joshi, Office of General Counsel, 445 12<sup>th</sup> Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: [njoshi@fcc.gov](mailto:njoshi@fcc.gov).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

For further information, please contact Tracey Wilson, at (202) 418-1394 or Dennis Johnson, Competition Policy, Wireline Competition Bureau at (202) 418-0809.

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