



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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**DA 02-732**  
**Released: March 29, 2002**

## **DOMESTIC SECTION 214 APPLICATION FILED FOR CONSENT TO TRANSFER CONTROL OF TELECOMMUNICATION SYSTEMS OF NEW HAMPSHIRE, INC. TO TELEPHONE AND DATA SYSTEMS, INC.**

### **PLEADING CYCLE ESTABLISHED**

#### **WC Docket No. 02-59**

On March 13, 2002, Telephone and Data Systems, Inc. ("TDS" or Transferee") filed an application pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.01 of the Commission's rules, 47 C.F.R. § 63.01, requesting a transfer of control of the blanket section 214 authorizations held by Telecommunication Systems of New Hampshire, Inc. ("TSNH") and its subsidiaries, which include Hollis Telephone Company, Inc., and Wilton Telephone Company, Inc., to provide domestic switched, private line, data, television and business services to all interstate points through the resale of existing facilities of authorized U.S. common carriers.<sup>1</sup>

The proposed transfer of control is part of a transaction by which WH Acquisition Corp. ("WH"), a wholly owned subsidiary of TDS, will merge with and into TSNH, and then the shares of the "new" TSNH will be contributed to TDS's wholly-owned subsidiary, TDS Telecommunications Corporation, leaving TSNH a wholly owned indirect subsidiary of TDS. The consideration for the merger will be the payment of cash by TDS to TSNH shareholders in exchange for their shares in TSNH. Thus, TSNH's subsidiaries will also become wholly owned indirect subsidiaries of TDS. TSNH and its Hollis and Wilton subsidiaries do not currently hold international section 214 authority.

TDS is engaged in the business of acquiring and operating, as a holding company, telephone and other companies primarily in the communications industry. As of now, TDS owns 108 companies providing wireline telephone service in rural and suburban communities in 28 states. These subsidiaries range in size from 500 access lines to 67,000 access lines.

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<sup>1</sup> The applicants have filed a separate application for consent to the transfer of control of TSNH as licensee of Paging and Radiotelephone Service station KNKJ469. See Wireless Telecommunications Bureau Assignment of Authorization and Transfer of Control Applications Accepted for Filing, Report No. 1131 (rel. Mar. 20, 2002).

TDS currently operates one incumbent LEC in New Hampshire, Kearsarge Telephone Company, which provides service to 10,467 access lines in Merrimack and Sullivan counties.<sup>2</sup> TDS has a pending application with the Commission for transfer of control of MCT, which serves an additional 18,863 access lines in New Hampshire.<sup>3</sup> TSNH serves 7,492 access lines in New Hampshire through its Hollis Telephone Company and Wilton Telephone Company subsidiaries.<sup>4</sup> TDS asserts that upon consummation of the proposed MCT transaction and the TSNH proposed transaction that is the subject of this application, TDS would serve approximately 36,822 access lines in New Hampshire, which is approximately 4.6 percent of the New Hampshire's 805,143 incumbent LEC access lines and approximately 4.3 percent of New Hampshire's 857,280 total access lines. Applicants assert that neither TDS nor TSNH provides any competitive LEC services.

Applicants assert that the proposed transaction is in the public interest, and that TDS's qualifications as an FCC licensee and its ability to continue the operation of TSNH in the public interest are matters of public record before the Commission.

## **GENERAL INFORMATION**

The transfer of control application identified herein has 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. Final action will not be taken on the application earlier than 31 days following the date of this Public Notice.<sup>5</sup> Interested parties may file petitions to deny on or before **April 29, 2002**.

All filings concerning any or all matters in this Public Notice should refer to **CC Docket No. 02-59**. Due to the threat of contamination that resulted in the disruption of regular mail, the Commission released an Order<sup>6</sup> on November 29, 2001 temporarily amending certain procedural

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<sup>2</sup> The five Merrimack County exchanges served are Andover (1,417 lines), New London (4,367 lines), Salisbury (1,053 lines), Boscawen (1,134 access lines), and Chichester (1,838 access lines). The one Sullivan County exchange served is Meriden (858 lines).

<sup>3</sup> See Commission Seeks Comment on Applications for Consent to Transfer Control Filed by MCT, Inc. and Telephone and Data Systems, Inc., CC Docket No. 02-9, *Public Notice*, DA No. 02-273 (rel. Feb. 6, 2002). MCT operates in Merrimack, Hillsborough and Carroll counties. The Merrimack County exchanges served are Bradford (1,962 lines), Contoocook (4,311 lines), Henniker (2,722 lines), Sutton (926 lines), and Warner (1,824 lines). The Hillsborough County exchanges are Antrim (2,523 lines) and Hillsboro (3,633). In addition, MCT serves Melvin Village (962 lines) in Carroll County.

<sup>4</sup> TSNH serves two exchanges in Hillsborough County: Hollis (3,845 lines) and Wilton (3,647 lines).

<sup>5</sup> See 47 C.F.R. § 63.52.

<sup>6</sup> See *Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, FCC 01-345 (rel. Nov. 29, 2001).

rules on an emergency basis. Pleadings must be filed electronically (*i.e.*, by e-mail or facsimile), by overnight delivery service, or by hand delivery to the Commission's Massachusetts Avenue location.<sup>7</sup>

- **If filed electronically** by e-mail, pleadings shall be filed at the following e-mail address: [CCBSecretary@fcc.gov](mailto:CCBSecretary@fcc.gov). Please also copy all those listed below. For security purposes, it is recommended that documents filed via electronic mail be converted to PDF format.
- **If filed by facsimile**, pleadings shall be faxed to (202) 418-0187. The fax transmission should include a cover sheet listing contact name, phone number, and an e-mail address (if available).
- **If filed by hand delivery**, documents shall be delivered to the Commission's contractor, Vistrionix, at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. All hand deliveries must be held together with rubber bands or fasteners, and any envelopes must be disposed of before entering the building.
- **If filed by overnight delivery service** other than U.S. Postal Service (USPS) Express Mail and Priority Mail, filings must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. USPS first-class mail, Express Mail, and Priority Mail should continue to be addressed to the Commission's headquarters at 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554.

**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) Janice Myles, Competition Policy Division, Common Carrier Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C, Washington, D.C. 20554; e-mail: [jmyles@fcc.gov](mailto:jmyles@fcc.gov), and
- (3) Bill Dever, Competition Policy Division, Common Carrier Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: [wdever@fcc.gov](mailto:wdever@fcc.gov); and
- (4) John Branscome, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12<sup>th</sup> Street, S.W., Room 4-A161, Washington, D.C. 20554; e-mail: [jbransco@fcc.gov](mailto:jbransco@fcc.gov).
- (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).

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<sup>7</sup> See *FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence*, Public Notice, DA 01-2919 (rel. Dec. 14, 2001).

Copies of the application and any subsequently-filed documents in this matter may be obtained from Qualex International, in person at 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 863-2893, via facsimile at (202) 863-2898, or via e-mail at [qualexint@aol.com](mailto:qualexint@aol.com). The application and any associated documents are available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12<sup>th</sup> Street, S.W., Room CY-A257, Washington, D.C. 20554. The application is also available electronically through the Commission's Electronic Comment Filing System (ECFS), which may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

In addition to filing paper comments, parties may also file comments using the ECFS.<sup>8</sup> 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](mailto: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.

For further information, please contact Tracey Wilson, at (202) 418-1394 or Bill Dever, Competition Policy Division, Common Carrier Bureau at (202) 418-1578.

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<sup>8</sup> See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998).