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 04-1500
Released: May 25, 2004

DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL OF GRANBY TELEPHONE & TELEGRAPH COMPANY TO GRANBY HOLDINGS, INC., AND COUNTRY ROAD COMMUNICATIONS, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 04-165

Comments Due: June 8, 2004
Reply Comments Due: June 15, 2004

On April 22, 2004, the stockholders of Granby Telephone & Telegraph Company (Granby) and Granby Holdings, Inc. (Granby Holdings), a wholly-owned subsidiary of Country Road Communications, LLC (Country Road), (together, the Applicants) filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,[1] requesting consent to transfer control of Granby from the stockholders of Granby to Granby Holdings and Country Road.[2]

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(iii) of the Commission's rules because: the transaction resulted in Country Road having a market share in the interstate, interexchange market of less than 10 percent; Country Road would provide competitive telephone exchange services or exchange access services (if at all) exclusively in geographic areas served by a dominant local exchange carrier (LEC) that is not a party to the transaction; and the Applicants are incumbent independent LECs that have, in combination, less than two percent of the nation's subscriber lines installed in

1 47 C.F.R §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

2 The Applicants are also filing an application for consent to transfer control of authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related pending applications.

the aggregate nationwide, and have no overlapping or adjacent service areas.[3]

Granby is an independent, incumbent LEC with 3,154 telephone access line equivalents, providing voice and data communication services to residential and business customers in Granby, Massachusetts, a town located just north of Springfield, Massachusetts. In addition to local service, Granby is providing domestic long distance service to its customers on a resale basis and holds domestic section 214 authorizations from the Commission.

Country Road, based in Morristown, New Jersey, was formed in January 2000 to acquire local exchange carriers and to provide advanced telecommunications services to communities throughout the U.S. After the acquisition of Granby, Country Road has an incumbent presence in Southern Maine, California, Massachusetts, and West Virginia, as well as a competitive LEC presence in Southern Maine. Specifically, Country Road wholly-owns four rural LECs: Pine Tree Telephone & Telegraph Company d/b/a Pine Tree Networks in Gray, Maine; Saco River Telegraph and Telephone Company d/b/a Pine Tree Networks in Bar Mills, Maine; War Telephone Company in War, West Virginia; and Global Valley Networks, Inc. in Turlock, California (formerly known as Evans Telephone Company). In addition, Country Road wholly-owns, indirectly, CRC Communications of Maine, Inc. d/b/a Pine Tree Networks, a competitive LEC and IXC in the State of Maine. Country Road, through its wholly-owned subsidiaries, offers a full range of telecommunications services to its customers. Applicants state that the following entities hold a 10 percent or greater direct ownership interest in Country Road: The Prudential Insurance Company of America (38.6 percent); and ABRY Partners IV, L.P. (36.7 percent). Applicants provide that the following entities hold a 10 percent or greater indirect ownership interest in Country Road: ABRY Capital Partners, L.P. (36.7 percent); Fleur de Lis, S.A. (14.4 percent); Stafford Insurance Company (13.67 percent); ABRY Capital Partners, LLC (36.7 percent); and Mr. Royce Yudkoff (36.7 percent). Applicants state that none of the entities owning a 10 percent or greater interest in Country Road provide telecommunications services or have affiliates that provide telecommunications services.[4] Granby Holdings is a new company formed by Country Road for the purpose of acquiring all of the issued and outstanding shares of Granby.

On April 16, 2004, Granby Holdings acquired all of the issued and outstanding stock of Granby pursuant to a Stock Purchase Agreement entered into by Granby Holdings, Granby and the former shareholders of Granby, four individuals and one trust.[5] As a result of the transaction, the domestic section 214 authorizations held by Granby underwent a transfer of control to Granby Holdings and Country Road. Applicants acknowledge that they did not properly file an

---

3 47 C.F.R. § 63.03(b)(2)(iii). *See* Letter from Michael G. Jones and Angie Kronenberg, Counsel, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 04-165 (filed May 24, 2004).

4 *See* Amendment to Application for Consent to Transfer Control of Domestic and International Section 214 Authorizations, WC Docket No. 04-165 at 2 (filed May 20, 2004).

5 *Id* at 2-3.

application for consent to transfer control of Granby prior to closing on the transaction.[6] Applicants maintain that their failure to request approval from the Commission prior to closing the transaction was inadvertent and that they are taking steps to ensure future compliance with the Commission's rules.[7]

Applicants argue that grant of the transaction is in the public interest. Applicants state that Country Road, through its wholly-owned subsidiaries, seeks to become a leading telecommunications provider in communities that lie outside of major metropolitan areas. To meet its objectives, Country Road seeks to acquire rural telephone companies or their assets and provide new, enhanced communications services, including broadband services, to its customers. Applicants submit that Country Road is committed to providing the latest technology and systems support to its acquired companies. The Applicants assert Country Road will strengthen the position of Granby to offer new, enhanced services to its customers. Moreover, the Applicants claim that through the efficiency and proximity of its facilities in rural areas, Country Road also is implementing a competitive local exchange carrier build-out in certain adjacent urban areas.

GENERAL INFORMATION

The transfer of control 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 on or before June 8, 2004** and **reply comments on or before June 15, 2004.**[8] Unless otherwise notified by the Commission, Applicants are permitted to transfer control on the 31st day after the date of this notice.[9] 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

---

6 *Id* at 2.

7 *See* Request for Special Temporary Authority to Transfer Control of Granby Telephone and Telegraph Company, *Nunc Pro Tunc*, Pending Grant of Permanent Authority, WC Docket No. 04-165 (filed May 14, 2004) (granted May 25, 2004).

8 *See* 47 C.F.R. § 63.03(a).

9 Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

should include their full name, U.S. Postal Service mailing address, and the 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 e-mail to ecfs@fcc.gov, and should include the following words in the subject line "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 appears 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, Natek, 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 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893;

(2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: tracey.wilson-parker@fcc.gov;

(3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 6-A461, Washington, D.C. 20554; e-mail: dennis.johnson@fcc.gov;

(4) Julie Veach, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C124, Washington, D.C. 20554; e-mail: julie.veach@fcc.gov;

(5) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov; and

(6) Christopher Killion, Office of General Counsel, 445 12th Street, S.W., Room 8-C740, Washington, D.C. 20554; e-mail: chris.killion@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.

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

- FCC -