



PUBLIC NOTICE

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

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Fax-On-Demand 202 / 418-2830
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DA 04-1711
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DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL OF DANIEL ISLAND MEDIA COMPANY, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 04-222

Comments Due: June 28, 2004

Reply Comments Due: July 6, 2004

On May 11, 2004, Daniel Island Media Company, LLC (“DIMC”) and Home Telecom, LLC (“HOME”) (together “Applicants”) filed an application, pursuant to sections 63.03 and 63.04 of the Commission’s rules,¹ to request approval to transfer control² of DIMC’s domestic interstate operations, to Home Telecom, LLC (“HOME”).

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(ii) of the Commission’s rules because (a) the proposed transaction would result in the transferee having a market share in the interstate, interexchange market of less than 10 percent; (b) HOME would provide competitive local exchange service, if at all, only in areas served by dominant local exchange carriers that are not parties to this transaction; and (c) the non-dominant carrier applicant, DIMC, provides service exclusively outside the geographic area where HOME affiliates are dominant.³

DIMC is a privately held, South Carolina corporation and resale-based regional integrated communications provider serving residential and business customers on Daniel Island,

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

² Applicants have also filed a transfer of control application related to international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related pending applications.

³ 47 C.F.R. § 63.03(b)(2)(ii); *see* 47 U.S.C. § 214; Letter from Dahli Myers, Counsel to DIMC, to Kimberly Jackson, Federal Communications Commission, WC Docket No. 04-222 (filed June 10, 2004).

Charleston, South Carolina. DIMC offers its customers a variety of regulated and unregulated services, including switched local service, long distance, international long distance, Internet access and cable television service. DIMC is wholly-owned by Zeist Communications Group, LLC, a Georgia limited liability company, which is, in turn, owned 50% by the Estate of George W. Bumley, Jr. and 50% by the Estate of Jean S. Brumley. The sole beneficiary of the Brumleys' estates is The Zeist Foundation, Inc., a Georgia non-profit corporation whose mission is to provide support to a variety of other non-profit organizations.

HOME is a wholly owned subsidiary of Home Telephone Company, Inc. ("HTC"). HTC is an incumbent local exchange carrier, serving 7 exchanges and approximately 23,000 subscribers in portions of rural Berkeley County, South Carolina and the Town of Harleyville (Dorchester County, South Carolina). In addition to traditional telephone service, HTC offers Internet access, including both dial-up and DSL products. Home Wireless, Inc. is a wholly-owned subsidiary of HTC. Home Wireless holds a 25% general partnership interest in the Charleston/North Charleston MSA Limited Partnership. Home Long Distance, Inc. is wholly-owned by HTC; it provides intrastate and interstate long distance services to HTC customers. In addition, Home Long Distance, Inc. serves a few customers in the Charleston metropolitan area (but none of Daniel Island). Berkeley Cable Television Inc., affiliated through common ownership with HTC, provides cable television services within Berkeley County and a very limited portion of Dorchester County. All of Berkeley customers are within the HTC telephone serving area.

HTC's majority shareholder is Rock Hill Telephone Company ("Rock Hill"). Rock Hill, together with its other affiliates, provides local exchange service to 11 exchanges in South Carolina, serving approximately 147,500 access lines. Rock Hill and its affiliates provide local exchange telephone services, enhanced local calling features, long distance toll services, Internet access, cable television services, and competitive local exchange services in communities neighboring incumbent local service areas. In addition, Rock Hill and its affiliates offer wireless service within geographic areas which are coextensive with certain of its and its affiliates' incumbent telephone service areas. The following individuals and entities own a 10 percent or more interest in Rock Hill: Frank S. Barnes; Estate of John M. Barnes; E.L. Barnes; and LAB Associates, L.P.

Rock Hill and its local exchange company affiliates, Fort Mill Telephone Company, Lancaster Telephone Company and PBT Telecom, Inc., serve approximately 1700 square miles in and around several communities in South Carolina. Rock Hill's affiliate, Community Long Distance, Inc., offers toll service to the areas served by its local exchange affiliates. Springboard Telecom, LLC, an affiliate of Community Long Distance, Inc., also offers competitive local exchange and exchange access services to several communities in North Carolina. PBT Communications, Inc., an affiliated company, provides competitive local exchange services in parts of BellSouth's Batesburg-Leesville, South Carolina exchange, and in parts of ALLTEL's Lexington, South Carolina exchange. In addition, it provides domestic (intra- and interstate) and international toll services to residences and businesses located within PBT Telecom, Inc. and

PBT Communications, Inc. exchanges, as well as its own exchange areas. None of the HOME or Rock Hill companies provide service where DIMC provides service.⁴

Pursuant to the Asset Purchase Agreement executed by the Parties on February 27, 2004, DIMC will sell substantially all of its assets to HOME. The applicants state that customers will continue to receive bills under the DIMC name and will continue to receive the same service quality they have come to expect from DIMC. The proposed transaction will not result in any change in the terms, conditions and price of services to DIMC's customers. After the proposed transaction, HOME and its affiliates will continue to have less than one percent (1.0%) of the interstate, interexchange market.

The applicants state that the proposed transaction is in the public interest. The applicants state that the proposed transaction will be virtually seamless and transparent to customers. In addition, the applicants state that the proposed transaction will provide additional financial resources to support current operations and will enable HOME to further expand the service offerings currently available to DIMC's customers. The proposed acquisition is confined to the DIMC service territory of Daniel Island, a community in the Charleston, South Carolina area.

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 28, 2004** and **reply comments on or before July 6, 2004**.⁵ Unless otherwise notified by the Commission, Applicants are permitted to transfer control on the 31st day after the date of this notice.⁶ 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 applicable docket or rulemaking number. Parties may also submit an electronic comment by

⁴ Letter from Dahli Myers, Counsel to DIMC, to Kimberly Jackson, Federal Communications Commission, WC Docket No. 04-222 (filed June 4, 2004).

⁵ *See* 47 C.F.R. § 63.03(a).

⁶ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

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, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: www.bcpweb.com; phone: 1-800-378-3160;
- (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) Kimberly Jackson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 3-C403, Washington, D.C. 20554; e-mail: kimberly.jackson@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, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 1-800-378-3160, or via e-mail www.bcpweb.com.

For further information, please contact Tracey Wilson, at (202) 418-1394, or Kimberly Jackson at (202) 418-7393.

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