



# PUBLIC NOTICE

Federal Communications Commission  
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**DA 04-2893**  
**Released: September 7, 2004**

## **DOMESTIC SECTION 214 APPLICATION FILED FOR ACQUISITION OF ASSETS OF UNITED'S ONAGA AND WESTMORELAND, KANSAS EXCHANGES**

### **STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 04-346**

**Comments Due: September 21, 2004**  
**Reply Comments Due: September 28, 2004**

On August 20, 2004, United Telephone Company of Kansas ("United") and Blue Valley Tele-Communications, Inc. ("Blue Valley") (collectively, "Applicants") filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,<sup>1</sup> requesting authority to transfer control of the assets used to provision local exchange telecommunications services in United's Onaga and Westmoreland, Kansas exchanges.

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(1)(iii) of the Commission's rules because the proposed transaction involves only the transfer of the local exchange assets of an incumbent LEC by means other than an acquisition of corporate control.<sup>2</sup>

United, organized under Kansas law, is a wholly owned subsidiary of Sprint Corporation that provides local exchange, exchange access and intraLATA toll telecommunications services under the Sprint brand. United's affiliates provide various telecommunications services to nearly 26 million customers worldwide. Blue Valley is a subscriber owned cooperative which currently provides local exchange, exchange access, interexchange service, DSL and ISP service to residents in the exchanges adjacent to United's Onaga and Westmoreland exchanges. Blue Valley is the 100% owner of its subsidiary, Blue Valley OW, which will own the exchanges.

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<sup>1</sup> 47 C.F.R. §§ 63.03, 63.04; *see also* 47 U.S.C. § 214.

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

Pursuant to a transfer agreement entered into by the Applicants, Blue Valley will acquire the local telecommunications assets and customers in United's Onaga and Westmoreland, Kansas local telephone exchanges. The date of transfer will be established by the Kansas Corporation Commission (KCC). Blue Valley and United have filed a joint application with the KCC seeking approval of this planned transfer.

Applicants assert that the proposed transaction will serve the public interest because, by acquiring United's exchanges, Blue Valley will be able to achieve better economies of scale, thereby allowing it to realize significant cost savings in the provision of telecommunications services to the residents in its own exchanges as well as those in the Onaga and Westmoreland exchanges. The Applicants state that Blue Valley intends to provide quality basic services to the new exchanges and to improve the existing network where necessary. According to the Applicants, Blue Valley will install all new outside plant with Fiber-to-the-Home and packet switching capability and re-home the exchange to its existing exchanges. The Applicants assert that the new facilities will offer a full menu of basic and advanced services including high speed Internet access and video services. Accordingly, the Applicants argue, the public interest would be better served if these operationally distinct exchanges were separated from the exchanges to be retained by United and placed in Blue Valley's study area.

## **GENERAL INFORMATION**

The acquisition of assets 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 September 21, 2004** and **reply comments on or before September 28, 2004**.<sup>3</sup> Unless otherwise notified by the Commission, Applicants are permitted to transfer control on the 31<sup>st</sup> day after the date of this notice.<sup>4</sup> 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 Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail

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

<sup>4</sup> Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

to [ecfs@fcc.gov](mailto: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 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: [www.bcpweb.com](http://www.bcpweb.com); phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C212, Washington, D.C. 20554; e-mail: [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- (3) Kimberly Jackson, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C142, Washington, D.C. 20554; e-mail: [kimberly.jackson@fcc.gov](mailto:kimberly.jackson@fcc.gov);
- (4) Julie Veach, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C124, Washington, D.C. 20554; e-mail: [julie.veach@fcc.gov](mailto:julie.veach@fcc.gov);
- (5) James Bird, Office of General Counsel, 445 12<sup>th</sup> Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: [james.bird@fcc.gov](mailto:james.bird@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: 202-488-5300, fax: 202-488-5563, or via e-mail [www.bcpweb.com](http://www.bcpweb.com).

For further information regarding the transfer of control application, please contact Tracey Wilson, at (202) 418-1394, or Kimberly Jackson at (202) 418-7393.

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