



PUBLIC NOTICE

Federal Communications Commission
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DA 04-325
Released: February 6, 2004

**DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL OF
VOLCANO LONG DISTANCE AND VOLCANO TELEPHONE COMPANY TO TEN
FIFTEEN, L.P.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 04-22

Comments Due: February 20, 2004

Reply Comments Due: February 27, 2004

On January 28, 2004, Volcano Long Distance (Volcano LD), Volcano Telephone Company (Volcano Telephone), Richard L. and Sharon J. Lundgren, John M. Lundgren, and Angela L. Lundgren (Transferors), and Ten Fifteen, L.P. under the control of John M. Lundgren (Transferee), pursuant to sections 63.03 and 63.04 of the Commission's rules,¹ request consent to transfer control of (i) authorizations granted to Volcano LD under Section 214 of the Communications Act to provide resold telecommunications services to domestic and international points on a non-dominant basis; and (ii) Volcano Telephone, an affiliated local exchange carrier with operations in the State of California.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 proposed transaction would result in the transferee having a market share in the interstate, interexchange market of less than 10 percent; the transferee would provide competitive telephone exchange services or exchange access services (if at all) exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the transaction; and the Applicants are incumbent independent local exchange carriers that have, in combination, fewer than two percent of the

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

² Applicants are also filing applications for transfer of control associated with authorization for international services and a request for consent to a transfer of control of radio licenses. Any action on this domestic 214 application is without prejudice to Commission action on other related pending applications.

nation's subscriber lines installed in the aggregate nationwide, and no overlapping or adjacent service areas.³

Volcano Telephone, a corporation, is a rural telephone company that serves customers through four exchanges in portions of Amador, Alpin, Calaveras and El Dorado Counties in California. Its affiliated company, Volcano LD, a corporation, resells intrastate, interstate, and international long distance toll services to households and businesses located within Volcano Telephone's local exchange areas. Volcano Telephone and Volcano LD are wholly owned subsidiaries of Volcano Communications Company (VCC). VCC is now owned, as to 55 percent, by Richard L. and Sharon J. Lundgren (husband and wife) and their adult children John M. Lundgren and Angela L. Lundgren (collectively, the "Lundgren Family Shareholders"), and, as to 45 percent, by Telephone & Data Systems, Inc. (TDS), a holding company that, in its own right, controls numerous other FCC-regulated entities.

Ten Fifteen, L.P. is a limited partnership organized under the laws of California. The sole general partner of Ten Fifteen, L.P. is a limited liability company named Ten Fifteen, LLC, of which John M. Lundgren is the sole member and manager. Ten Fifteen, LLC will hold a one percent interest in Ten Fifteen, L.P. There are four limited partners of Ten Fifteen, L.P.: Sharon J. Lundgren (57% interest); Richard L. Lundgren (15% interest); John M. Lundgren (13% interest); and Angela L. Lundgren (14% interest).

For estate planning purpose, the Lundgren Family Shareholders desire to exchange their collective 55 percent ownership interests in VCC with Ten Fifteen, L.P. in return for proportionate ownership interests in that entity. The proposed transaction involves a change in the ownership of VCC which will remain as an intermediate controlling company of Volcano LD and Volcano Telephone. It is proposed that stock interests amounting to a 55 percent interest in VCC will be transferred from members of the Lundgren family to a family limited partnership named Ten Fifteen, L.P. Upon completion of the proposed transaction, John M. Lundgren in his capacity as the controlling party of the only general partner of Ten Fifteen, L.P. will exercise ultimate control over Volcano LD and Volcano Telephone.

The Applicants assert that by consolidating the ownership interests of the Lundgren Family Shareholders into one entity (*i.e.*, Ten Fifteen, L.P.) in the manner described above, the transfer of management and control of Volcano LD from the senior Lundgrens to their children will occur in a smooth transition. Moreover, the Applicants state that John M. Lundgren, who will exercise ultimate control over Volcano LD and Volcano Telephone, is experienced in the management of the telecommunications companies. Further, the Applicants state that, upon completion of the proposed transaction, Volcano LD and Volcano Telephone will provide high quality telecommunications services as are currently offered. According to the Applicants, the proposed transaction has no potential to harm the public interest, or to impair competition in any

³ 47 C.F.R. § 63.03(b)(2)(iii); *see* 47 C.F.R. § 63.03(b)(3) ("For purposes of (b)(1) and (2) of this paragraph, the terms 'applicant,' 'carrier,' 'party,' and 'transferee' (and their plural forms) include any affiliates of such entities within the meaning of section 3(1) of the Communications Act of 1934, as amended.").

local exchange or long distance toll markets. The Applicants assert that Mr. Lundgren plans no change in the regulated local exchange and exchange access services, rates, and practices of the companies as a result of the proposed transaction. Finally, Applicants state that separate accounts will be maintained for regulated local exchange service and for non-regulated long distance services by the separate companies involved.

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 before or on February 20, 2004** and **reply comments before or on February 27, 2004**.⁴ Unless otherwise notified by the Commission, Applicants are permitted to transfer on the 31st day after the date of this notice.⁵ 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 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

⁴ See 47 C.F.R. § 63.03(a).

⁵ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

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) Christi Shewman, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C142, Washington, D.C. 20554; e-mail: christi.shewman@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) Cynthia Bryant, Telecommunications Division, International Bureau, 445 12th Street, S.W., Room 7-A623, Washington, D.C. 20554; email: cynthia.bryant@fcc.gov; and
- (6) Christopher Killion, Office of General Counsel, 445 12th Street, S.W., Room 8-C740, Washington, D.C. 20554; e-mail: christopher.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-Parker at (202) 418-1394 or Christi Shewman at (202) 418-1686.

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