



# PUBLIC NOTICE

Federal Communications Commission  
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**DA 04-3398**  
**Released: October 26, 2004**

## **DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL OF TRI-COUNTY TELCOM, INC. TO HANSON COMMUNICATIONS, INC.**

### **NON-STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 04-394**

**Comments Due: November 9, 2004**

**Reply Comments Due: November 16, 2004**

On September 29, 2004, James O. Ekstrand ("Mr. Ekstrand" or "Transferor") and Hanson Communications, Inc. ("Hanson" or "Transferee") (together, "Applicants") filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,<sup>1</sup> requesting approval to transfer control of Tri-County Telcom, Inc. ("Tri-County") and its domestic blanket Section 214 authorizations from Mr. Ekstrand to Hanson.

Tri-County is a small, rural telephone company that provides local exchange service and exchange access service to residential and business customers in two South Dakota telephone exchanges. Tri-County also owns and operates a cable television system in Emery, South Dakota. Tri-County provides no other domestic telecommunications services, and has no subsidiaries or other affiliates that provide domestic telecommunications services. Tri-County is wholly owned by James O. Ekstrand. James O. Ekstrand does not own, control, or hold a 10 percent or greater equity interest in any other entity that provides domestic telecommunications services.

Hanson does not presently provide domestic telecommunications services, but holds a certificate of authority from the South Dakota Public Utilities Commission to provide local exchange service. Hanson is wholly owned by McCook Cooperative Telephone Company (McCook) and has no other affiliates that provides domestic telecommunications services. McCook is a small, rural telephone company that provides local exchange service and exchange access service to residential and business customers in six South Dakota telephone exchanges.

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

McCook also owns and operates cable television systems at Salem, Alexandria, Spencer and Canova, South Dakota.

The proposed transaction entails the sale of all of the issued and outstanding shares of the capital stock of Tri-County to Hanson. After completion of the proposed transaction, Tri-County will continue to own and operate the Emery and Clayton exchanges and its other telecommunications and non-telecommunications businesses, but will be owned and controlled by Hanson rather than Mr. Ekstrand. After completion of the proposed transaction, Hanson will control Tri-County through the ownership of all of Tri-County's issued and outstanding capital stock. Hanson formerly owned and operated the Salem, South Dakota exchange, but transferred that exchange to McCook in 2001 so that its Salem customers could become member-owners of the cooperative. The McCook and Tri-County exchanges are adjacent to each other in certain areas.<sup>2</sup>

The Applicants assert that granting this application is in the public interest because the proposed transaction is a transfer of control of a rural telephone company serving two small rural exchanges to Hanson, a wholly-owned subsidiary of McCook, an unrelated rural telephone company. The Applicants state that the proposed transaction will not affect the rural telephone company status of McCook or Tri-County or significantly change the competitive position of either entity. The Applicants also assert that both before and after the proposed transaction, customers in the Emery and Clayton exchanges will have the option to presubscribe to the toll services provided by well over forty interexchange carriers. In sum, the Applicants state that the proposed transaction will provide the rural customers of Tri-County's Emery and Clayton exchanges with a new owner that has a proven interest and record of operating high-quality rural telephone exchanges.

## **GENERAL INFORMATION**

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a non-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 November 9, 2004** and **reply comments on or before November 16, 2004**.<sup>3</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

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

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

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](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:**

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;

- (1) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- (2) Kimberly Jackson, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room , Washington, D.C. 20554; e-mail: [kimberly.jackson@fcc.gov](mailto:kimberly.jackson@fcc.gov);
- (3) Terri Natoli, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-A322, Washington, D.C. 20554; e-mail: [terri.natoli@fcc.gov](mailto:terri.natoli@fcc.gov);
- (4) 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, please contact Tracey Wilson-Parker, at (202) 418-1394, or Kimberly Jackson at (202) 418-7393.

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