



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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**DA 05-1645**  
**Released: June 9, 2005**

**DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL  
OF NEBRASKA TECHNOLOGY AND TELECOMMUNICATIONS, INC., TO MARCUS  
D. YOUNG**

**STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 05-202**

**Comments Due: June 23, 2005**

**Reply Comments Due: June 30, 2005**

On May 26, 2005, Nebraska Technology and Telecommunications, Inc. (“NT&T”) and Marcus D. Young II (“Young”), (collectively, the “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 NT&T to Young.<sup>2</sup>

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(i) of the Commission’s rules because immediately following the transactions: (1) Applicants and their affiliates (as defined in Section 3(1) of the Communications Act – “Affiliates”) combined will hold less than a ten percent (10%) share of the interstate, interexchange market; (2) to the extent that the Applicants or their Affiliates provide U.S. local exchange services or exchange access services, those services will be provided only in geographic areas served by a dominant local exchange carrier that is not a party to the proposed transaction and; (3) the applicants are a dominant carrier and a non-dominant carrier that provides services exclusively outside the geographic area where the dominant carrier is dominant.<sup>3</sup>

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

<sup>2</sup> Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications.

<sup>3</sup> 47 C.F.R § 63.03(b)(2)(ii).

NT&T, a Nebraska corporation, is a competitive local exchange carrier authorized to provide wireline local exchange services to residential and business customers in Nebraska. Three individuals or entities currently own a 10% or greater ownership interest in NT&T, including Diller Telephone Company (“Diller”), a Nebraska corporation (29.12%), Young, a U.S. citizen (29.04%), and Rodney Chrisp, a U.S. citizen (11.98%).

Young, a U.S. citizen, is an individual affiliated with Cozad Telephone Company (“Cozad”), a rural incumbent independent local exchange carrier authorized to provide wireline local exchange service and exchange access service to residential and business customers in central Nebraska. Young owns 75% of Cozad. Pursuant to 47 U.S.C. § 63.03(b)(3), the applicants are considering Cozad to be an affiliate of Young. NT&T provides services exclusively outside the geographic area where Cozad is dominant (the Cozad exchange in Nebraska). Neither of the Applicants, nor their affiliates, are foreign citizens or entities, nor are the Applicants owned in whole or in part by any foreign citizen or entity.

Pursuant to a Stock Purchase Agreement by and between Diller and Young (the “Agreement”), Young will purchase the majority of Diller’s shares of stock in NT&T. The proposed transaction will result in the transfer of control of NT&T to Young. NT&T currently has ten shareholders, none of which has a controlling interest. Upon purchasing the majority of Diller’s shares of stock in NT&T, Young will own approximately 57% of all outstanding capital stock in NT&T.

Applicants assert consummation of the proposed transaction will serve the public interest by ensuring continued operation in the ordinary course of business. NT&T's existing customers will be protected because NT&T will continue to provide the same telecommunications services to its customers following the transaction as it provides to its customers at the present time. Upon acquisition of ownership and control by Young, NT&T will continue to provide telecommunications services to its existing customers pursuant to the tariffs it currently has on file, except, as they may be revised by appropriate filings as needed to provide new or additional rate plans. NT&T will maintain Nebraska Technology and Telecommunications, Inc., as its name.

## **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 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 23, 2005** and **reply comments on or before June 30, 2005**.<sup>4</sup> Unless otherwise notified by the Commission, this application will be deemed granted on the 31<sup>st</sup> day after the date of this notice.<sup>5</sup> Comments may be filed using the Commission’s Electronic

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<sup>4</sup> See 47 C.F.R. § 63.03(a).

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](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-Parker, 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);
- (3) Erin Boone, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street,

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

S.W., Room 5-C347, Washington, D.C. 20554; e-mail: [erin.boone@fcc.gov](mailto:erin.boone@fcc.gov);

- (4) Renee R. Crittendon, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C311, Washington, D.C. 20554; e-mail: [renee.crittendon@fcc.gov](mailto:renee.crittendon@fcc.gov);
- (5) Susan O'Connell, Policy Division, International Bureau, 445 12<sup>th</sup> Street, S.W., Room 7-B544, Washington, D.C. 20554; email: [susan.o'connell@fcc.gov](mailto:susan.o'connell@fcc.gov); and
- (6) James Bird, Office of General Counsel, 445 12<sup>th</sup> Street, S.W., Room 8-C740, 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 Erin Boone at (202) 418-0064.

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