



PUBLIC NOTICE

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

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DA 05-2016
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DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL OF FORESTHILL TELEPHONE COMPANY TO SEBASTIAN ENTERPRISES, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 05-218

Comments Due: July 28, 2005

Reply Comments Due: August 4, 2005

On June 20, 2005, Rose A. Hoeper, the sole shareholder of Foresthill Telephone Company ("Foresthill"), and Sebastian Enterprises, Inc. ("SEI") together with its wholly-owned subsidiary, Fortel, Inc. ("Fortel") (collectively, the "Applicants"), filed an application pursuant to sections 63.03 and 63.04 of the Commission's rules¹ requesting authority to transfer control of Foresthill to SEI.

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 Applicants are incumbent independent local exchange carriers that have, in combination, fewer than two percent of the nation's subscriber lines installed in the aggregate nationwide, and have no overlapping or adjacent service areas.²

Foresthill is a rural telephone company, operating a single exchange in and around the town of Foresthill, in Placer County, California. It serves approximately 3,250 access lines (2,725 residential and 525 business). The telephone service area covers approximately 200 square miles.

SEI, a California corporation, is the parent company and sole owner of Fortel, which is a holding company organized specifically for the purpose of acquiring Foresthill in the proposed transaction. SEI is also the parent company of Kerman Telephone Company and KerTel Communications, Inc. ("KerTel"). Kerman Telephone Company is a rural local telephone

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

² 47 C.F.R. § 63.03(b)(2)(iii).

company that provides service to approximately 6,425 access lines (5,125 residential and 1,300 business) covering about 175 square miles in the Kerman and Biola exchanges in Fresno County, California. KerTel, an interstate and international carrier, provides intra-and interstate intexchange service, as well as international services and unregulated services, to citizens in and around the Kerman Telephone Company service area. All of the shares of SEI are owned by members of the Sebastian family. The following family members, all U.S. citizens, own or control 10% or more of SEI's stock:³ Susan Moran (36.73%); Amanda Short (16.9%); Scott Barcus and Frank Freiberger (11.64%); and Ruth Barcus (25.64%).

The proposed transaction entails the purchase of 100% of the issued and outstanding stock of Foresthill by SEI's wholly-owned subsidiary, Fortel, from Mrs. Hoeper. Post-consummation, Foresthill will be operated as a wholly-owned subsidiary of Fortel.

The Applicants assert that the proposed transfer of control is in the public interest because it will benefit subscribers through the increased efficiencies which will result from joint administration. SEI and Fortel contemplate that the change in ownership will bring a wealth of enhanced services such as custom calling, DSL, and upgrades in network and operating features to Foresthill subscribers. They state that Foresthill subscribers will enjoy the benefits of expanded communications and information service capabilities while also continuing the history of dependable basic services provided by the Hoeper family.

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 July 28, 2005** and **reply comments on or before August 4, 2005**.⁴ Unless otherwise notified by the Commission, Applicants are permitted to transfer the stock and related control 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).

³ Susan Moran holds SEI stock as custodian for Evan Moran and Chris Moran, as Trustee for the Moran Family Trust, and as Co-Trustee (with Amanda Short) of the Sebastian/Moran Trust. Amanda Short holds SEI stock as Trustee for the Amanda Moran Short Revocable Trust and as Co-Trustee (with Susan Moran) of the Sebastian/Moran Trust. Scott Barcus and Frank Freiberger hold SEI stock as Co-Trustees of the Sebastian/Barcus Trust. Ruth Barcus holds SEI stock as Trustee of the William Sebastian Administrative Trust, as Trustee of the Kathleen Sebastian Survivor Trust, and as Co-Trustee (with Edward Barcus) of the Barcus Family Trust.

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.

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 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, SW, Room CY-B402, Washington, DC 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; e-mail: tracey.wilson-parker@fcc.gov;
- (3) Alex Johns, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C317, Washington, D.C. 20554; e-mail: alexis.johns@fcc.gov
- (4) Renee R. Crittendon, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C311, Washington, D.C. 20554; e-mail: renee.crittendon@fcc.gov;
- (5) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington,

D.C. 20554; e-mail: 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.bcpiweb.com.

For further information, please contact Tracey Wilson-Parker, at (202) 418-1394, or Alex Johns at (202) 418-1167.

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