



PUBLIC NOTICE

Federal Communications Commission
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DA 05-539

Released: March 2, 2005

**DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL
OF THE ASSETS OF NOONAN FARMERS TELEPHONE COMPANY TO
NORTHWEST COMMUNICATIONS COOPERATIVE**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 05-60

**NOONAN FARMERS TELEPHONE COMPANY AND NORTHWEST
COMMUNICATIONS COOPERATIVE SEEK WAIVER OF THE STUDY AREA
BOUNDARY FREEZE AS CODIFIED IN PART 36 OF THE COMMISSION'S RULES**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Comments Due: March 16, 2005

Reply Comments Due: March 23, 2005

On February 7, 2005, Noonan Farmers Telephone Company (NFTC) and Northwest Communications Cooperative (NCC) (collectively, the Applicants) filed an application pursuant to sections 63.03 and 63.04 of the Commission's rules¹ requesting approval to transfer control of NFTC's assets and facilities relating to the provision of local exchange telecommunications service, exchange access and other telecommunications in the Noonan exchange to NCC. On December 15, 2004, the Applicants filed a joint petition for waiver of the study area boundary freeze as codified in the Appendix-Glossary of Part 36 of the Commission's rules (Study Area Waiver).²

Transfer of Control Application: The Applicants seek streamlined treatment for this transaction under section 63.03(b)(2)(iii) because the Applicants are incumbent independent

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

² 47 C.F.R. § 36, App. (defining "study area").

local exchange carriers that have, in combination, fewer than two percent of the nation's subscriber lines installed in the aggregate nationwide and no overlapping or adjacent service areas.³ Because the domestic 214 application is associated with a non-routine request for waiver of the Commission's rules, it is not subject to streamlined treatment.⁴

NFTC is organized under the laws of North Dakota as a cooperative corporation and no owner owns as much as a one percent interest in the company. NFTC provides local exchange telecommunications services, exchange access and other telecommunications services in the Noonan exchange, which is located in a portion of Divide County. The Noonan exchange has been operated by NFTC and its predecessors since 1916. As of December 31, 2003, NFTC provided service to 247 access lines.

NCC, formerly known as Northwest Mutual Aid Telephone Corporation, is also a cooperative corporation organized under the laws of North Dakota and no owner owns as much as a one percent interest in the company. NCC provides local exchange telecommunications services, exchange access and other telecommunications services in Williams, Divide, Burke, Ward and Mountrail Counties in North Dakota. As of November 30, 2004, NCC provided service to 5,281 access lines.

The Applicants have entered into a Purchase and Sale Agreement for NCC's purchase of NFTC's current assets and facilities in the Noonan exchange. As of the closing date of the transaction, NFTC intends to cease doing business as a provider of local exchange telecommunications service, exchange access and other telecommunications services, at which time NCC will provide such services in the Noonan exchange. The Applicants add that there will be no interruption of telecommunications services to the public as the result of the proposed asset sale.

The Applicants assert that public interest benefits will be recognized from the proposed acquisition of NFTC assets by NCC and NCC's provision of telecommunications services in the Noonan exchange. The Applicants state that all NFTC members who subscribe to local exchange telephone service as of the closing date will become full cooperative members of NCC earning capital credits. The Applicants indicate that former NFTC members will have Extended Area Service with all NCC exchanges and the Portal exchange in North Dakota at no charge. Furthermore, as members of NCC, the former NFTC members will have access to additional calling features including voice mail. The Applicants add that the transaction is expected to result in operating economies through the ability to serve a larger number of customers.

³ See 47 C.F.R. § 63.03(b)(2)(iii) (explaining that streamlined procedures apply when "the applicants are incumbent independent local exchange carriers (as defined in 64.1902 of these rules) that have, in combination, fewer than two (2) percent of the nation's subscriber lines installed in the aggregate nationwide, and no overlapping or adjacent service areas").

⁴ See 47 C.F.R. § 63.03(c)(1)(i).

Study Area Waiver: The requested study area waiver would permit NRTC to cease operating its North Dakota study area (approximately 247 access lines) and would permit NCC to add those lines to its existing North Dakota study area.

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 March 16, 2005** and **reply comments on or before March 23, 2005**.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 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.

⁵ See 47 C.F.R. § 63.03(a).

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, S.W., Room CY-B402, Washington, DC 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson, 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) Denise Coca, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C260, Washington, D.C. 20554; e-mail: denise.coca@fcc.gov;
- (4) William Dever, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: william.dever@fcc.gov;
- (1) Gary Seigel, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W. Room 5-A633, Washington, D.C. 20554; e-mail: gary.seigel@fcc.gov.
- (2) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: james.bird@fcc.gov.
- (3) Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554; e-mail: sheryl.todd@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, 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.

For further information, please contact Tracey Wilson, at (202) 418-1394, or Denise Coca at (202) 418-0574.

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