



PUBLIC NOTICE

Federal Communications Commission
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DA 06-1381
Released: June 30, 2006

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF ASSETS OF RURAL TELEPHONE SERVICE COMPANY, INC. TO GORHAM TELEPHONE COMPANY, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 06-117

Comments Due: July 14, 2006

Reply Comments Due: July 21, 2006

On May 31, 2006, Rural Telephone Service Company, Inc. (“RuralTel”) and Gorham Telephone Company, Inc., (“Gorham” collectively, the “Applicants”), filed an application, pursuant to section 63.04 of the Commission’s rules,¹ requesting authority to transfer control of RuralTel’s Luray and Paradise exchanges in northwest Kansas to Gorham.²

Applicants submit that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(1)(iii) of the Commission’s rules because the proposed transaction involves only the transfer of the local exchange assets of an incumbent local exchange company (“LEC”) by means other than an acquisition of corporate control.³

RuralTel, a Kansas corporation, is an incumbent independent rural telephone company that serves approximately 10,758 customer access lines.⁴ RuralTel is a cooperative, with no one person holding ten percent or more interest in the equity.

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

² On June 22, 2006, the Applicants filed a supplement to the application providing additional information regarding the Applicants and justification for streamlined treatment under the Commission’s rules.

³ 47 C.F.R. § 63.03(b)(1)(iii).

⁴ RuralTel serves the following exchanges: Agra, Alton, Athol, Collyer, Damar, Edmond, Galatia, Gaylord, Gove, Grainfield, Hill City, Jennings, Kensington, Lenora, Logan, Long Island, Morland, Natoma, Olmitz, Palco, Prairie View, Quinter, Rexford, Selden, Victoria, WaKeeney, Woodruff, Woodston, and Zurich.

Gorham, a Kansas corporation, is an incumbent independent rural telephone LEC providing telecommunications services to approximately 330 access lines in the Gorham and Waldo exchanges in Kansas. Gorham is 50 percent owned by Michael J. Murphy, a U.S. citizen, and 50 percent owned by Tonya Murphy, a U.S. citizen.

Under the proposed transaction, Gorham will purchase from RuralTel all of the assets of the Luray and Paradise exchanges in northwest Kansas, which includes approximately 272 access lines. The assets of these two exchanges are included in RuralTel's pending purchase from United Telephone of Kansas.⁵

Applicants assert that the proposed transaction serves the public interest because: (1) it will result in the efficient provision of high-quality telecommunications services to rural customers; and (2) Gorham intends to install fiber and DSL technology in the affected exchanges and will continue to provide service at affordable and competitive prices.

GENERAL INFORMATION

The transfer of the assets 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. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file **comments on or before July 14, 2006 and reply comments on or before July 21, 2006.**⁶ Unless otherwise notified by the Commission, Applicants are permitted to transfer the assets and related control on the 31st day after the date of this notice.⁷ Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal:

⁵ On April 3, 2006, RuralTel and United Telephone Company of Kansas and United Telephone of Eastern Kansas filed a 214 application requesting authority for the sale of the Burr Oak, Courtland, Esbon, Ionia, Lebanon, Republic, and Webber exchanges from United Telephone Company of Eastern Kansas, and the Downs, Luray, Osborne, Paradise, and Russell exchanges in Kansas from United Telephone Company of Kansas to RuralTel. The parties also filed a joint petition for waiver of the study area boundary freeze. On June 1, 2006, the Wireline Competition Bureau granted the parties' 214 application. *See Wireline Competition Bureau Grants Consent for the Acquisition of Assets of United Telephone Company of Kansas and United Telephone of Eastern Kansas by Rural Telephone Service Company, Inc.*, WC Docket No. 06-80, Public Notice, DA 06-1185 (rel. June 1, 2006). The parties' petition for waiver of the study area boundary freeze remains pending.

⁶ *See* 47 C.F.R. § 63.03(a).

⁷ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

<http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.

- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers 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, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.
- Paper Filers: 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, filers 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). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

The Commission’s contractor 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, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

You may submit comments, identified by the above noted docket number, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission’s Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.

- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

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, D.C. 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Cecilia Seppings, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C230, Washington, D.C. 20554; email: cecilia.seppings@fcc.gov;
- (3) Heather Hendrickson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C225, Washington, D.C. 20554; e-mail: heather.hendrickson@fcc.gov;
- (4) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov; and
- (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, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpweb.com.

For further information, please contact Ceci Seppings at (202) 418-1588, or Heather Hendrickson at (202) 418-7295.

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