



PUBLIC NOTICE

Federal Communications Commission
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DA 06-561
Released: March 9, 2006

**DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL
OF WETEC, LLC D/B/A UNITEL COMMUNICATIONS FROM WEST CENTRAL
TECHNOLOGIES, INC. TO ARVIG ENTERPRISES, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 06-37

Comments Due: March 23, 2006

Reply Comments Due: March 30, 2006

On January 23, 2006, West Central Technologies, Inc. (“West Central”), Arvig Enterprises, Inc. (“Arvig”), and WETEC, LLC dba Unitel Communications (“WETEC”) (collectively, “Applicants”) filed an application, pursuant to section 63.04 of the Commission’s rules,¹ hereby requesting authority to transfer of control of West Central’s 50% membership interest in WETEC to Arvig, rendering Arvig as the sole owner of WETEC.²

The Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to 63.03(b)(2)(ii) of the Commission’s rules.³ The proposed transaction would result in: (1) the transferee, Arvig, a dominant incumbent local exchange company (“LEC”) within its service area, having a market share in the interstate, interexchange market of less than 10%; (2) the transferee Arvig, together with its current and proposed affiliates, including WETEC, providing competitive telephone exchange services or exchange access services exclusively in geographic areas served by a dominant LEC that is not a party to this transaction; and (3) WETEC, a non-dominant competitive LEC, providing services exclusively

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

² 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. The Applicants filed two amendments to their application on February 16, 2006 and March 7, 2006.

³ 47 C.F.R § 63.03(b)(2)(ii).

outside the geographic area where the dominant carriers, incumbent LECs Arvig and West Central, are dominant.⁴

WETEC is a Minnesota limited liability corporation and a non-dominant competitive LEC that provides local exchange, local access services, and long distance services in and around Park Rapids, Minnesota, wholly within the incumbent service area of Qwest Communications. WETEC also provides cable television and Internet services within this service area. WETEC is owned equally by West Central and Arvig.

West Central, a Minnesota corporation and a dominant incumbent LEC, is a diversified telecommunications company wholly owned by West Central Telephone Association (“WCTA”). WCTA, a Minnesota cooperative, provides a variety of telecommunications services including incumbent telephone services to the Minnesota exchanges of Wadena, Sebeka, Menahega and Vernadale. WCTA is a member-owned cooperative and no person owns or controls 10% or more of the interests of WCTA.

Arvig, a Minnesota corporation and a dominant incumbent LEC, offers local exchange and exchange access service to several of the Minnesota exchanges.⁵ The following entities own ten percent or more of Arvig: Allen R. Arvig and Donna M. Ward own 35.75% and 21.09% of the common stock of Arvig. In addition, Marvin S. Ward is the successor trustee of the Eleanor M. Arvig Revocable Trust and holds 99.8% of the preferred stock of Arvig, which carries no voting rights. No other person or entity holds 10% or greater interest in Arvig.

Arvig proposes the purchase of WETEC’s 50% membership interests currently held by West Central, resulting in Arvig’s 100% ownership of WETEC. Following the consummation of the proposed transaction, WETEC will continue to provide service to its customers as a wholly owned subsidiary of Arvig. The Applicants state that the proposed transaction serves the public

⁴ The Applicants indicate that, pursuant to 63.03(b)(2)(iii), Arvig and affiliates, together with WETEC, have fewer than two (2) percent of the nation’s subscriber line and report no overlapping services areas between Arvig and its affiliates and West Central and its affiliates. The Applicants note that Arvig operates local exchange territories which abut the WETEC service area of Park Rapids. Specifically, Arvig’s Osage exchange abuts Park Rapids on the west and Arvig’s Nevis exchange abuts Park Rapids on the east.

⁵ Arvig offers local exchange and exchange access service to the Minnesota exchanges of Akeley, Battle Lake, Bejou, Bertha, Bluffton, Butler, Callaway, Cass Lake, Clitherall, Deer Creek, Dent, Detroit Lakes, Evergreen, Flom, Gary, Hawley, Henning, Hewitt, Longville, Mahnomen, Maine, Naytahwaush, Nevis, New York Mills, Nisswa, Ogema, Osage, Ottertail, Perham, Ponsford, Richville, Richwood, Rochert, Snellman, Syre, Staples, Tulaby, Twin Valley, Ulen, Vergas, Wadena, Walker, Waubun, Whipholt, and White Earth. Through its wholly-owned subsidiary, Midwest Telephone Co., local exchange and exchange access service is provided to the Minnesota exchanges of Eagle Bend, Miltona, Parkers Prairie and Urbank. In addition, Arvig’s wholly-owned subsidiary, The Peoples Telephone Co. of Bigfork, provides local exchange and exchange access service to the Minnesota exchange of Bigfork and Marcell, and its wholly-owned subsidiary Osakis Telephone Company serves the single exchange of Osakis. Long distance service is also offered in these exchanges.

interest because WETEC will continue to provide high quality telecommunications, cable and information service to its current subscribers in a manner that will be transparent to them.

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. 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 March 23, 2006 and reply comments on or before March 30, 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: <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.

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.

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) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; email: tracey.wilson-parker@fcc.gov;
- (3) Denise Coca, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-, Washington, D.C. 20554; e-mail: denise.coca@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 CYB402, Washington, D.C. 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 Denise Coca at (202) 418-0574.

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