



PUBLIC NOTICE

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DA 08-177

Released: January 28, 2008

DOMESTIC 214 APPLICATION GRANTED

**Application for the Acquisition of Assets of HBC Telecom, Inc. by
Hiawatha Broadband Communications, Inc.**

WC Docket No. 07-262

By the Chief, Wireline Competition Bureau:

Pursuant to section 214 of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 214, and sections 0.91, 0.291, and 63.03 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 63.03, the Wireline Competition Bureau (Bureau) approves the application of Hiawatha Broadband Communications, Inc. (HBC) and TDS Metrocom, LLC, the successor in interest to HBC Telecom, Inc. (Telecom) (together, Applicants), requesting approval for the acquisition of assets, consummated in October 2003, of Telecom by HBC.¹ The Bureau has determined that grant of this application serves the public interest,² and, accordingly, the application is granted pursuant to the Commission's procedures for domestic section 214 transfer of control applications.³ No commenter opposed a grant of this application.

The Wireline Competition Bureau finds, upon consideration of the record, that grant of the application will serve the public interest, convenience, and necessity. Until the transaction was consummated in October 2003, Telecom provided competitive local and interexchange services directly to HBC's customers through various operating and marketing agreements. HBC was not a provider of telecommunications services when the transfer of assets occurred, and Telecom was a non-dominant provider of domestic interstate interexchange services at that time. Thus, the transaction would have

¹ *Domestic Section 214 Application Filed for the Acquisition of Assets of HBC Telecom, Inc. by Hiawatha Broadband Communications, Inc.*, WC Docket No. 07-262, Public Notice, DA 07-5081 (rel. Dec. 20, 2007). Applicants did not seek Commission consent prior to the transfer of control and have been providing service to their customers under Special Temporary Authority granted by the Wireline Competition Bureau (Bureau) on December 7, 2007 for a period of sixty days.

² *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, CC Docket No. 01-150, Report and Order, 17 FCC Rcd 5517, 5533, para. 29 (2002).

³ 47 C.F.R. § 63.03.

been presumptively subject to the Commission's streamlined process had Applicants filed for approval prior to consummation.⁴

Pursuant to section 1.103 of the Commission's rules, 47 C.F.R. § 1.103, the consent granted herein is effective upon the release of the Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Alex Johns at 202 / 418-1167, Competition Policy Division, Wireline Competition Bureau.

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⁴ 47 C.F.R. § 63.03(b)(1)(ii). We will refer the issue of the unauthorized transfer of control to the Enforcement Bureau for further investigation. Action on this domestic section 214 application is without prejudice to Commission action on other related applications and does not preclude or prejudice any enforcement action related to an unauthorized transfer of control.