



PUBLIC NOTICE

Federal Communications Commission
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**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN
ASSETS OF MIDCONTINENT COMMUNICATIONS BY BEK COMMUNICATIONS
COOPERATIVE**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 08-224

Comments Due: December 12, 2008
Reply Comments Due: December 19, 2008

On November 6, 2008, Midcontinent Communications (Midcontinent) and BEK Communications Cooperative (BEK) (together, Applicants) filed an application, pursuant to section 63.03 of the Commission's rules, requesting approval for BEK to acquire certain assets from Midcontinent.¹

Midcontinent, a South Dakota general partnership, provides local exchange, interstate and international long distance services in North Dakota, South Dakota, and Minnesota. The following U.S. entities have a 10 percent or greater interest in Midcontinent: Midcontinent Communications Investor, LLC (50 percent); and TCI-Midcontinent, LLC (50 %). Midcontinent Communications Investor is wholly owned by Midcontinent Media, Inc., a privately-held Minnesota company. Larry Bentson, a U.S. citizen, owns 95.81 percent of Midcontinent Media, Inc. TCI-Midcontinent, LLC is wholly owned by Comcast Corporation, a Pennsylvania company. No individual or entity owns 10 percent or more of Comcast Corporation. BEK, a North Dakota cooperative corporation, provides local exchange and exchange access services in North Dakota. No individual or entity owns 10 percent or more of BEK.

The proposed transaction involves the transfer of 29 of Midcontinent's customers and related business assets in Lehr, Linton, Napoleon, Wilton, Wishek and Zeeland, North Dakota to BEK. These customers are currently served by resale of BEK's local exchange service. Midcontinent intends to exit the market for local telephone and exchange access service in the affected communities and, after the proposed transaction, will continue to operate in the remainder of its service territory.

Because this transaction involves a competitive local exchange carrier (LEC) selling its assets to the incumbent LEC, we accept the application for non-streamlined processing in order to analyze whether the proposed transaction would serve the public interest.²

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

² 47 C.F.R. § 63.03(c)(1)(v).

Applicants state that granting this application will serve the public interest, convenience and necessity because: it will enable the continued provision of high quality services to current Midcontinent customers; it will allow customers to contact BEK directly for customer service concerns; and it will enable them to have a smooth transition to BEK. Applicants also state that granting this application will result in economic and strategic efficiencies, benefiting customers of both companies. Finally, Applicants contend that the proposed transaction will BEK to offer customers bundled local telephone, Internet and cable services in the affected communities.

Application Filed for the Acquisition of Certain Assets of Midcontinent Communications
by BEK Communications Cooperative, WC Docket No. 08-224 (filed Nov. 6, 2008).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the acquisition of assets identified herein is 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. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before December 12, 2008**, and reply comments **on or before December 19, 2008**. Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's eRulemaking Portal. *See* 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically"); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- 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.

In addition, email one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: 202 / 488-5300; fax: 202 / 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;
- 3) Kimberly Jackson, Competition Policy Division, Wireline Competition Bureau, kimberly.jackson@fcc.gov;
- 4) David Krech, International Bureau, Policy Division, International Bureau, david.krech@fcc.gov;
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are 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; email: fcc@bcpiweb.com; url: www.bcpiweb.com.

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For further information, please contact Tracey Wilson-Parker at 202 / 418-1394 or Kimberly Jackson at 202 / 418-7393.

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