



PUBLIC NOTICE

Federal Communications Commission
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DA 09-1203

Released: May 28, 2009

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
BRUCE TELEPHONE COMPANY, INC. AND WWC, INC. D/B/A SOLUTION LONG
DISTANCE FROM WALLER, INC. TO FAIL, INC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 09-78

Comments Due: June 11, 2009

Reply Comments Due: June 18, 2009

On May 20, 2009, Waller, Inc. (Waller), Bruce Telephone Company, Inc. (Bruce), and WWC, Inc. d/b/a Solution Long Distance (WWC, and together with Bruce, the Licensees), and Fail, Inc. (Fail) (collectively, Applicants), filed an application pursuant to section 63.03 of the Commission's rules¹ seeking approval for the transfer of control of the Licensees from Waller to Fail. Waller, a Mississippi corporation, is a holding company whose only business activities are conducted through its wholly-owned subsidiaries, Bruce and WWC. Bruce, a Mississippi corporation, is an incumbent local exchange carrier (LEC) in northern Calhoun County, Mississippi, including the Town of Bruce. WWC, a Mississippi corporation, is a toll reseller that provides interexchange services in northern Calhoun County, Mississippi, including the Town of Bruce. The following U.S. citizens hold a 10 percent or greater direct interest in Waller: Connie W. Collins (50%), Charles W. Allen (16%), Howard M. Allen (16%), and Jacob J. Allen (16%).

Fail, a Mississippi corporation, does not directly provide telecommunications services, but conducts its telephone operations in Mississippi through the following subsidiaries: Fulton Telephone Company, Inc. (Fulton), Mound Bayou Telephone & Communications, Inc. (Mound Bayou), and GulfPines Communications LLC (GulfPines).² Fulton, a Mississippi corporation, is an incumbent LEC in Itawamba County, Mississippi. Mound Bayou, a Mississippi corporation, is an incumbent LEC in Bolivar County, Mississippi. GulfPines, a Mississippi limited liability company, is a facilities-based competitive LEC that Applicants state currently provides local and interexchange services in the southern half of Mississippi, primarily in the counties of Forrest, Hinds, Lamar, Rankin, and Warren. According to Applicants, GulfPines does not serve any access lines in Calhoun County, where Bruce provides incumbent LEC services. Fail is a wholly-owned subsidiary of Fail Telecommunication Corporation, a

¹ 47 C.F.R. § 63.03; see 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for wireless services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Fail's subsidiary, Chickamauga Telephone Corporation, a Georgia corporation, is an incumbent LEC and interexchange carrier in Walker and Catoosa counties in Georgia.

Mississippi holding company. The following U.S. citizens hold a 10 percent or greater direct interest in Fail Telecom: Charles F. Fail (66%) and Dorothea C. Fail (33%).

Pursuant to the terms of the proposed transaction, Fail will own 100% of the issued and outstanding capital stock of Bruce, and Bruce will own 100% of the outstanding stock of WWC. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(iii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.³

Domestic Section 214 Application Filed for the Transfer of Control of Bruce Telephone Company, Inc. and WWC, Inc. from Waller, Inc. to Fail, Inc., WC Docket No. 09-78 (filed May. 20, 2009).

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 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 CFR § 63.03(a), interested parties may file comments **on or before June 11, 2009**, and reply comments **on or before June 18, 2009**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁴ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's e-Rulemaking 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 e-Rulemaking 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, e-mail 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 47 C.F.R. § 63.03(b)(2)(iii).

⁴ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

- 3) Kimberly Jackson, Competition Policy Division, Wireline Competition Bureau, kimberly.jackson@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 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; e-mail: 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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