



# PUBLIC NOTICE

**Federal Communications Commission**  
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**Washington, D.C. 20554**

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**DA 09-162**

**Released: January 29, 2009**

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CERTAIN  
ASSETS OF MIDVALE TELEPHONE EXCHANGE, INCORPORATED TO  
EAGLE TELEPHONE SYSTEM, INC.**

**STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 09-6**

**Comments Due: February 12, 2009**

**Reply Comments Due: February 19, 2009**

On January 12, 2009, Midvale Telephone Exchange, Incorporated (Midvale) and Eagle Telephone System, Inc. (Eagle) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer to Eagle certain assets in Midvale's Connor Creek service area located in Oregon and Idaho.<sup>1</sup> Midvale, an Idaho corporation, is a rural incumbent local exchange carrier (LEC) serving approximately 3,050 access lines in the Harper and Juntura wire centers in Oregon and the Midvale wire center in Idaho. Mr. Lane Williams, a U.S. citizen, and the Estate of Shirley Archer, a U.S. entity, each own 50 percent of the equity of Midvale. Eagle, an Oregon corporation, is a rural incumbent LEC serving 456 access lines in the Richland wire center in Oregon. Mr. Robert Lattin, a U.S. citizen, owns 94 percent of the equity of Eagle. Pursuant to the terms of the proposed transaction, Eagle will acquire 22 customers and all outside plant in Connor Creek. Applicants state that 21 customers are located in Oregon, and one customer is located in Idaho.<sup>2</sup> 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.<sup>3</sup>

Application Filed for the Transfer of Certain Assets of Midvale Telephone Exchange,  
Incorporated to Eagle Telephone System, Inc., WC Docket No. 09-6 (filed Jan. 12, 2009).

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<sup>1</sup> 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants filed supplemental information on January 28, 2009.

<sup>2</sup> Applicants further state that Connor Creek is located some distance from Midvale's other telephone operations, and that it is much closer to Eagle's service territory, and although the affected customers will be required to change their telephone numbers to reflect the transfer to the Richland exchange, the transaction will be largely transparent.

<sup>3</sup> 47 C.F.R. § 63.03(b)(2)(iii). Applicants state that they filed a Joint Petition for Expedited Waiver to address study area boundaries for universal service purposes. Any action on this domestic section 214 application is without prejudice to any action the Commission may take on the pending waiver request.

## **GENERAL INFORMATION**

The Wireline Competition Bureau finds, upon initial review, that the transfer of assets identified herein is 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 C.F.R. § 63.03(a), interested parties may file comments **on or before February 12, 2009**, and reply comments **on or before February 19, 2009**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31<sup>st</sup> day after the date of this notice.<sup>4</sup> 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](mailto: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](mailto: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](mailto:tracey.wilson-parker@fcc.gov);
- 3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, [dennis.johnson@fcc.gov](mailto:dennis.johnson@fcc.gov);
- 4) David Krech, International Bureau, Policy Division, International Bureau, [david.krech@fcc.gov](mailto:david.krech@fcc.gov);
- 5) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto: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](mailto:fcc@bcpiweb.com); url: [www.bcpiweb.com](http://www.bcpiweb.com).

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

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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Dennis Johnson at (202) 418-0809.

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