



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 09-1848
Released: August 21, 2009

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE
TRANSFER OF CONTROL OF BITWISE COMMUNICATIONS, INC., TO FAMILY
COMMUNICATIONS, LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 09-151

Comments Due: September 4, 2009
Reply Comments Due: September 11, 2009

On August 10, 2009, BitWise Communications, Inc. d/b/a OmniLEC (BitWise), and Family Communications, LLC (Family Communications) (together, Applicants) filed an application pursuant to 63.03 of the Commission's rules seeking approval to transfer control of BitWise to Family Communications.¹

BitWise, a privately held Illinois corporation, is a small competitive local exchange carrier. Utilizing its facilities-based fiber-optic network, BitWise currently provides bundled local and long distance voice communications services and other services to approximately 1,500 residential and business customers and 800 wholesale customers throughout Peoria, Illinois and surrounding areas. BitWise is wholly owned by Michael Shuler, a U.S. citizen and the Chief Executive Officer of BitWise.

Family Communications, an Illinois limited liability company, is the wholly-owned subsidiary of Midstates Video Corp. (Midstates Video). Midstates Video, through its operating subsidiary Family Video Movie Club, Inc. (Family Video) offers rental movies and games. The following U.S. citizens indirectly own or control at least 10% of the equity of Family Communications, LLC through ownership Midstates Video Corp.: Charles Eric Hoogland (16.99 percent), and Keith A. Hoogland (17.96 percent).

Pursuant to a Stock Purchase Agreement executed on June 26, 2009, Family Communications will purchase all authorized outstanding shares of capital stock issued by BitWise. Thus, upon consummation of the proposed transaction, Family Communications will acquire direct control of BitWise and Midstates Video will acquire indirect ownership and control of BitWise.

¹ 47 C.F.R. § 63.03, *see* 47 U.S.C. § 214. Applicants filed a supplement to their application on August 21, 2009.

Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules, and that a grant of the application will serve the public interest, convenience, and necessity.²

Application Filed for the Transfer of Control of BitWise Communications, Inc., to Family Communications, LLC, WC Docket No. 09-151 (filed August 10, 2009).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is 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 section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before September 4, 2009**, and reply comments **on or before September 11, 2009**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.³ 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) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;

² 47 C.F.R. § 63.03(b)(2)(i).

³ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

- 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.

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).

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

- FCC -