



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 09-2184
Released: October 7, 2009

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF WHIDBEY TELEPHONE COMPANY, HAT ISLAND TELEPHONE COMPANY, AND WESTERN LONG DISTANCE, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 09-175

Comments Due: October 21, 2009
Reply Comments Due: October 28, 2009

On September 29, 2009, The Estate of David C. Henny (Henny Estate), the David Christian Henny Testamentary Trust (Henny Trust), and Marion F. Henny (Mrs. Henny) (collectively, Applicants) filed an application pursuant to sections 63.03 and 63.04 of the Commission's rules to transfer control of Whidbey Telephone Company (Whidbey) and its subsidiary Western Long Distance, Inc. (Western) from the Henny Estate to the Henny Trust and Mrs. Henny, and to transfer control of Hat Island Telephone Company (Hat Island) from the Henny Estate to the Henny Trust.¹ Whidbey is an incumbent local exchange carrier (LEC) serving approximately 12,500 access lines in the South Whidbey exchange on Whidbey Island, Washington and the Point Roberts exchange at Point Roberts, Washington. Its affiliated incumbent LEC, Hat Island, serves approximately 87 access lines in a single exchange in Gedney (Hat) Island, Washington. Western, a wholly-owned subsidiary of Whidbey, provides interstate and intrastate toll services to customers in the Whidbey and Hat Island exchanges. Whidbey and Hat Island are currently owned by the Estate of David C. Henny. Mrs. Henny controls the Henny Estate. All entities are organized under the laws of Washington State.

Applicants state that the Whidbey transaction will occur in two steps. In the first step, the Henny Estate will distribute 51 percent of the Whidbey stock to Mrs. Henny and 49 percent to the Henny Trust.² In the second step, Mrs. Henny will transfer one percent of the Whidbey stock to George T.F. Henny and one percent to Julia H. De Martini, and, at the completion of the transaction, the stock of Whidbey will be owned 49 percent by Mrs. Henny, 49 percent by the Henny Trust, and one percent each by George T.F. Henny and Julia H. DeMartini. Applicants further state that the Henny Estate will distribute all of the stock of Hat Island to the Henny Trust. Applicants assert that the proposed transaction is entitled to

¹ 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214. Applicants are also filing an application for a transfer of control associated with authorization for international and wireless services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² The trustees of the Henny Trust are Mrs. Henny, her son George T.F. Henny, and her daughter Julia H. DeMartini, all U.S. citizens.

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 Whidbey Telephone Company, Hat Island Telephone Company, and Western Long Distance, Inc., WC Docket No. 09-175 (filed Sept. 29, 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 October 21, 2009**, and reply comments **on or before October 28, 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) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@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.

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.

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.

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 Jodie May at (202) 418-0913.

-FCC-