



PUBLIC NOTICE

Federal Communications Commission
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DA 09-2371
Released: November 2, 2009

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
M&L ENTERPRISES, INC. D/B/A SKYLINE TELEPHONE FROM
MIDVALE TELEPHONE EXCHANGE, INCORPORATED TO
BEAVER CREEK TELEPHONE COMPANY D/B/A TIMBERLINE TELCO**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 09-201

Comments Due: November 16, 2009
Reply Comments Due: November 23, 2009

On October 26, 2009, Midvale Telephone Exchange, Incorporated (Midvale) and M&L Enterprises, Inc. d/b/a Skyline Telephone (M&L), and Beaver Creek Telephone Company d/b/a Timberline Telco (Timberline) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer of control of M&L from Midvale to Timberline. Midvale, an Idaho corporation, is a rural incumbent local exchange carrier (LEC) serving exchanges in Idaho, Arizona, and Oregon. It wholly owns M&L, an Idaho corporation, that provides rural incumbent LEC service to approximately 147 access lines in the Mt. Hull wire center in Washington. The following U.S. citizen and U.S. entity own Midvale: Mr. Lane Williams (50 percent) and the Estate of Shirley Archer (50 percent).² Timberline, a Washington corporation, is a rural incumbent LEC serving approximately 27 access lines in the Silverton wire center in northwest Washington.³ The following U.S. citizens each own 20 percent of the equity of Timberline: Mrs. Marilyn May, Mrs. Deborah Bott, Mrs. Suzanne Wilson, Mrs. Pamela Smith, and Mrs. Catherine Hendrickson. Pursuant to the terms of the proposed transaction, Timberline

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

² On October 26, 2009, the Wireline Competition Bureau granted the application of Midvale to transfer control of the company, including M&L, from Mr. Williams and the Estate of Shirley Archer to the Midvale Telephone Exchange, Inc. Employee Stock Ownership Trust (Midvale ESOP). *Domestic Section 214 Application Filed for the Transfer of Control of Midvale Telephone Exchange, Inc. to the Midvale Telephone Exchange, Inc. Employee Stock Ownership Trust*, WC Docket No. 09-169, Public Notice, DA 09-2113 (rel. Sept. 24, 2009); *Notice of Domestic Section 214 Authorizations Granted*, WC Docket Nos. 09-164 and 09-169, Public Notice, DA 09-2296 (rel. Oct. 26, 2009). Applicants state that they expect the Mt. Hull transaction described in the current application to close prior to the time that the Midvale ESOP is funded.

³ Applicants state that Midvale, M&L, and Timberline have no overlapping or adjacent service areas. They further state that, upon completion of the proposed transaction, Timberline may seek a waiver to combine its universal service study area in Washington.

will acquire all of the stock of M&L from Midvale and thus M&L's operations in the Mt. Hull exchange.⁴ 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.⁵

Application Filed for the Transfer of Control of M&L Enterprises, Inc. d/b/a/ Skyline Telephone from Midvale Telephone Exchange, Incorporated to Beaver Creek Telephone Company d/b/a Timberline Telco, WC Docket No. 09-201 (filed Oct. 26, 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 November 16, 2009**, and reply comments **on or before November 23, 2009**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁶ 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;

⁴ Midvale has also filed an application to transfer its Juntura and Harper exchanges in Oregon to Oregon Telephone Corporation. Application of Midvale Telephone Exchange, Incorporated and Oregon Telephone Corporation for Consent to Transfer Control, WC Docket No. 09-200 (filed Oct. 26, 2009). Applicants state that Midvale will continue to serve its exchanges in Idaho and Arizona.

⁵ 47 C.F.R. § 63.03(b)(2)(iii).

⁶ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov; and
- 4) 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 Jodie May at (202) 418-0913.

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