



PUBLIC NOTICE

Federal Communications Commission
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DA 09-2372
Released: November 2, 2009

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF MIDVALE TELEPHONE EXCHANGE, INCORPORATED BY OREGON TELEPHONE CORPORATION

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 09-200

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

On October 26, 2009, Midvale Telephone Exchange, Incorporated (Midvale) and Oregon Telephone Corporation (OTC) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer the customer base and outside plant used to provide incumbent local exchange carrier (LEC) service in Midvale's Juntura and Harper exchanges in Oregon to OTC. Midvale, an Idaho corporation, is a rural incumbent LEC serving exchanges in Idaho, Arizona, and Oregon. It also wholly owns M&L Enterprises, Inc. d/b/a Skyline Telephone (M&L), an Idaho corporation, that provides rural incumbent LEC service 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 OTC, an Oregon corporation, is a rural incumbent LEC serving approximately 1,735 access lines in the Bates, Dayville, Hereford-Unity, Mt. Vernon, and Prairie City exchanges in northeast Oregon.³ The following U.S. citizens each own 49.99 percent of the equity of OTC: Mr. Leonard May and Mr. Garrin Bott. Pursuant to the terms of the proposed transaction, OTC will acquire from Midvale the assets associated with approximately 246 access lines in the Juntura and Harper exchanges.⁴ Applicants assert

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants filed a supplement to their application on October 30, 2009.

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 Juntura and Harper transaction described in the current application to close prior to the time that the Midvale ESOP is funded.

³ Applicants state that Midvale and OTC have no overlapping or adjacent service areas. They further state that they intend to file a joint petition for waiver of the universal service study area in Oregon.

⁴ Midvale has also filed an application to transfer control of M&L to Beaver Creek Telephone Company d/b/a Timberline Telco. Application of Midvale Telephone Exchange, Incorporated and M&L Enterprises, Inc. d/b/a

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

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Midvale Telephone Exchange, Incorporated by Oregon Telephone Corporation, WC Docket No. 09-200 (filed Oct. 26, 2009).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of assets application 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;
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov; and

Skyline Telephone and Beaver Creek Telephone Company d/b/a Timberline Telco for Consent to Transfer Control, WC Docket No. 09-201 (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.

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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