



# PUBLIC NOTICE

Federal Communications Commission  
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DA 10-1310  
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## DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF THE NOVA TELEPHONE COMPANY TO VNC ENTERPRISES

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 10-136

**Comments Due: July 27, 2010**

**Reply Comments Due: August 3, 2010**

On June 24, 2010, The Nova Telephone Company (Nova), Richard L. Ringler (Ringler), Walter E. Whitmore, Jr. (Whitmore) and VNC Enterprises (VNC) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer control of the Domestic section 214 authority of Nova from Ringler and Whitmore to VNC.<sup>1</sup>

Nova is an Ohio incumbent local exchange carrier that provides local exchange service within an approximate 49-square mile area in and about Nova, Ohio. Ringler and Whitmore currently control Nova through their ownership of Swag Construction, Inc. (Swag), an Ohio corporation which owns 57.47 percent of all of the issued and outstanding shares of Nova. VNC, a Texas limited liability company owned entirely by Charles Mattingly, Jr. (Mattingly) and Vincent J. Godinich (Godinich) (both U.S. citizens), does not currently offer telecommunications services.

Pursuant to the terms of the proposed transaction, VNC will acquire one hundred percent of the outstanding shares of Swag from Ringler and Whitmore. Immediately following the proposed transaction, Swag will continue to control Nova and VNC will indirectly control Nova through its ownership of Swag. In connection with the proposed transaction, Nova will make an offer to all of its shareholders (other than Swag) to purchase such shareholders' shares in Nova at the same price per share as Ringler and Whitmore will receive for their shares in Swag. The closings of any such purchases by Nova will occur after the closing of the proposed transaction. Any shares purchased by Nova as a result of such offer will be treated as treasury stock and retired. As a result, the total number of Nova shares outstanding will decrease and the ownership interest of any remaining shareholders, including Swag, will increase. No shareholder other than Swag will directly own a ten percent or greater equity interest in Nova following the proposed transaction.

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<sup>1</sup> 47 C.F.R § 63.03; *see* 47 U.S.C. § 214. Applicants filed a supplement to their application on July 13, 2010.

Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(1)(ii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.<sup>2</sup>

Domestic Section 214 Application Filed for the Transfer of Control of The Nova Telephone Company to VNC Enterprises, WC Docket No. 10-136 (filed June 24, 2010).

## **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 July 27, 2010**, and reply comments **on or before August 3, 2010**. 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>3</sup> 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](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, 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](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, Policy Division, International Bureau, [david.krech@fcc.gov](mailto:david.krech@fcc.gov); and
- 5) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov).

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<sup>2</sup> 47 C.F.R. § 63.03(b)(1)(ii).

<sup>3</sup> 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](mailto:fcc@bcpiweb.com); url: [www.bcpiweb.com](http://www.bcpiweb.com).

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

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