



PUBLIC NOTICE

Federal Communications Commission
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DA 10-249

Released: February 16, 2010

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF HARTMAN TELEPHONE EXCHANGES, INC.

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 10-37

Comments Due: March 2, 2010

Reply Comments Due: March 9, 2010

On January 29, 2010, The Randall J. Raile Revocable Trust (Randall J. Raile Trust) and The Kacey L. Raile Revocable Trust (Kacey L. Raile Trust) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer control of Hartman Telephone Exchanges, Inc. (Hartman Telephone) from the Randall J. Raile Trust to the Kacey L. Raile Trust, both revocable trusts formed pursuant to Nebraska law.

Hartman Telephone, a Nebraska corporation, is a rural incumbent local exchange carrier (LEC) serving approximately 353 access lines in the Danbury, Lebanon, and Haigler telephone exchanges in Nebraska (the Danbury and Haigler exchanges also serve customers in Kansas). Currently, the Randall J. Raile Trust owns 51 percent, and the Kacey L. Raile Trust owns 49 percent of the stock of Hartman Telephone. Randall J. Raile and Kacey L. Raile, both U.S. citizens, are the sole settlors and controlling trustees of their Trusts. The Randall J. Raile Trust also owns 86 percent, and the Kacey L. Raile Trust owns seven percent of the stock in Benkelman Telephone Company, Inc. d/b/a BWTelcom, a rural incumbent LEC in the Benkelman telephone exchange that serves customers in Nebraska and Kansas. The Benkelman exchange is adjacent to Hartman Telephone's Haigler exchange. Applicants further state that the Randall J. Raile Trust owns 100 percent of the stock of Wauneta Telephone Co., a rural incumbent LEC serving the Wauneta exchange in Nebraska. Applicants state that they have, in combination, far fewer than two percent of the nation's subscriber lines installed in the aggregate nationwide, but because of the adjacent service area the Applicants have identified, this application is not entitled to presumptive streamlined treatment under section 63.03(b) of the Commission's rules.²

Upon the closing of the proposed transaction, the Kacey L. Raile Trust will own 51 percent of the outstanding stock of Hartman Telephone, and the Randall J. Raile Trust will own 49 percent of Hartman Telephone's stock. Applicants assert that the proposed transaction is in the public interest because it will

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

² 47 C.F.R. § 63.03(b).

allow the continued operation of Hartman Telephone and will protect its customers who will receive service pursuant to existing terms and conditions.

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a non-streamlined application. The Commission reserves the right to return any transfer 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 CFR § 63.03(a), interested parties may file comments **on or before March 2, 2010** and reply comments **on or before March 9, 2010**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

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In addition, one copy of each pleading must be sent to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpweb.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) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

- 5) People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

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.

For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Jodie May at (202) 418-0913.

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