



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 11-460
Released: March 9, 2011

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF TIER 2 COMMUNICATIONS, LLC TO COM NET, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 11-48

Comments Due: March 23, 2011

Reply Comments Due: March 30, 2011

On February 28, 2011, Tier 2 Communications, LLC (Tier 2), and Com Net, Inc. (Com Net), (collectively, Applicants), filed an application pursuant to section 63.03 of the Commission's rules¹ to request authority to transfer control of Tier 2² to Com Net, Inc.

Tier 2 is an Ohio competitive local exchange carrier providing resale telecommunications services to carriers and has authority to provide statewide service in Ohio. Each of the Transferors hold a 5.263 percent interest in Tier 2. Com Net, an Ohio corporation currently owning a 5.263 percent interest in Tier 2, does not provide telecommunications services. Com Net's Chief Executive Officer and Managing Partner is Timothy Berelsman, a U.S. citizen. No other individuals or entities will directly or indirectly own ten percent or more of the equity of Tier 2 after completion of the proposed transaction.

The proposed transaction consists of the acquisition by Com Net of the remaining 94.737 percent interest in Tier 2 owned by the other eighteen members of Tier 2. The proposed transaction will be accomplished by means of sale by the Transferors of their membership interests in Tier 2, to Com Net. Immediately following the proposed transaction, Com Net will be the sole member of Tier 2. Applicants state that the change of control will be transparent to customers and that Tier 2 will continue to provide the same services at the same rates, terms and conditions.

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants filed supplements to their application on March 7 and 9, 2011.

² Tier 2 is currently held by the following nineteen Ohio corporations: The Arthur Mutual Telephone Company, The Ayersville Telephone Company, The Benton Ridge Telephone Company, The Buckland Telephone Company, Com Net, Inc., Consolidated Electric Cooperative, Inc., The Farmer's Mutual Telephone Company, The Fort Jennings Telephone Company, Glandorf Telephone Company, Inc., The Kalida Telephone Company, The McClure Telephone Company, The Middle Point Home Telephone Company, The New Knoxville Telephone Company, The Ottoville Mutual Telephone Company, The Ridgeville Telephone Company, Sherwood Mutual Telephone Association, Inc., Sycamore Cellular Telephone Company, The Vaughnsville Telephone Company, and Wabash Communications, Inc. (collectively, Transferors).

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.³

Domestic Section 214 Application Filed for the Transfer of Control of Tier 2
Communications, LLC to Com Net, Inc., WC Docket No. 11-48 (filed Feb. 28, 2011).

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 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 March 23, 2011**, and reply comments **on or before March 30, 2011**. 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, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and

³ 47 C.F.R. § 63.03(b)(1)(ii).

⁴ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

5) 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.

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 at (202) 418-1394 or Dennis Johnson at (202) 418-0809.

-FCC-