



PUBLIC NOTICE

Federal Communications Commission
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DA 11-667
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**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
SMITHVILLE HOLDING COMPANY, INC. TO THE DARBY A. MCCARTY REVOCABLE
TRUST**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 11-63

Comments Due: April 26, 2011
Reply Comments Due: May 3, 2011

On March 28, 2011, the Darby A. McCarty Residuary Trust (DAM Residuary Trust) and the Darby A. McCarty Revocable Trust (DAM Revocable Trust), Smithville Holding Company, Inc. (Smithville Holding) and its wholly owned subsidiaries Smithville Communications, Inc., d/b/a Smithville Telephone Company (Smithville Telephone) and Rice Belt Telephone Company, Inc. (RB Telephone) (collectively, Applicants) filed an application, pursuant to section 63.03 of the Commission's rules,¹ to request authority for the transfer of control of Smithville Holdings and its wholly owned subsidiaries from DAM Residuary Trust to DAM Revocable Trust.

Smithville Holding, an Indiana corporation, is a holding company that does not presently provide domestic telecommunications services. Smithville Telephone, an incumbent local exchange carrier (incumbent LEC), provides local exchange services in Southern Indiana. RB Holdings, an Arkansas corporation and holding company, wholly owns, among other entities, RB Telephone, an incumbent LEC providing service in northeastern Arkansas. Smithville Holding is owned and controlled by: DAM Residuary Trust (78.14% voting, 15.60% nonvoting); DAM Revocable Trust (21.86% voting, 0.41% nonvoting); Darby A. McCarty Irrevocable Trust (26.10% nonvoting); Cullen H. McCarty Revocable Trust (39.17% nonvoting) and Cullen H. McCarty Irrevocable Trust (18.71% nonvoting). The trustees of the DAM Residuary Trust are Darby A. McCarty, Cullen H. McCarty (her son) and David S. McCrea (all U.S. citizens), and its sole beneficiary is Darby A. McCarty. The sole trustee and beneficiary of the DAM Revocable Trust, an Indiana Trust, is Darby A. McCarty. The trustees of the Darby A. McCarty Irrevocable Trust are Darby A. McCarty, Cullen H. McCarty and David S. McCrea, the sole beneficiary is Darby A. McCarty. The sole trustee and beneficiary of the Cullen H. McCarty Revocable Trust, an Indiana Trust, is Cullen H. McCarty. The trustees of the Cullen H. McCarty Irrevocable Trust are Darby

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants also filed an application for transfer of control associated with authorizations for a Paging and Radiotelephone Service license and a Common Carrier Fixed Point-to-Point Microwave Service license. Any action on this domestic section 214 application is without prejudice to Commission action on other pending applications. Applicants filed a supplement to their application on April 7, 2011.

A. McCarty, Cullen H. McCarty and David S. McCrea, the sole beneficiary is Cullen H. McCarty. No other individual holds ten percent of the equity or voting power of Smithville Holding. Applicants state that neither the DAM Revocable Trust or Darby A. McCarty hold a tent percent or greater interest in any other telecommunications provider.

The proposed transaction will be accomplished by the transfer of voting stock of Smithville Holding currently held by the DAM Residuary Trust to the DAM Revocable Trust. Applicants state that at the completion of the proposed transaction, the DAM Revocable Trust will own all of the voting stock of Smithville Holding and will thereby have control of Smithville Telephone and RB Telephone and their blanket domestic section 214 authorizations.² 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 Smithville Holding Company, Inc. to the Darby A. McCarty Revocable Trust, WC Docket No. 11-63 (filed Mar. 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 April 26, 2011**, and reply comments **on or before May 3, 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

² After consummation, the following U.S. entities will hold nonvoting interest in Smithville Holdings: DAM Revocable Trust (0.42%); Cullen H. McCarty Irrevocable Trust (18.71%); Darby A. McCarty Grantor Retained Annuity Trust I (10.94%); Darby A. McCarty Grantor Retained Annuity Trust II (10.94%); Darby A. McCarty Grantor Retained Annuity Trust III (10.94%); Cullen H. McCarty Grantor Retained Annuity Trust I (10.81%); Cullen H. McCarty Grantor Retained Annuity Trust II (10.81%); and Cullen H. McCarty Grantor Retained Annuity Trust III (10.81%). The sole trustee and beneficiary of the Darby A. McCarty Grantor Retained Annuity Trust I, the Darby A. McCarty Grantor Retained Annuity Trust II and the Darby A. McCarty Grantor Retained Annuity Trust III is Darby A. McCarty. The sole trustee and beneficiary of the Cullen H. McCarty Grantor Retained Annuity Trust I, the Cullen H. McCarty Grantor Retained Annuity Trust II, and the Cullen H. McCarty Grantor Retained Annuity Trust III is Cullen H. McCarty.

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.

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
- 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.

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

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