



PUBLIC NOTICE

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DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF MONTANA OPTICOM, LLC BY 3 RIVERS TELEPHONE COOPERATIVE, INC.

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 13-241

Comments Due: November 6, 2013

Reply Comments Due: November 13, 2013

On September 24, 2013, Montana Opticom, LLC (Opticom) and 3 Rivers Telephone Cooperative, Inc. (3 Rivers) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ to authorize the transfer of Opticom's interstate telecommunications facilities and operations in the Big Sky exchange in the Madison and Gallatin Counties of Montana to 3 Rivers.

Opticom, a Montana limited liability corporation, provides interstate telecommunications and other services as a competitive local exchange carrier (competitive LEC) to approximately 65 customers within a private ski and golf community situated within the central portion of the Big Sky, Montana exchange. Opticom's operations in the Big Sky exchange are limited to the ski and golf community, and it does not currently compete with 3 Rivers in the surrounding portions of the Big Sky exchange. Opticom was originally formed partially by a minority founder of the ski and golf community to provide telecommunications and video services to the subdivision. Since that time, both the private and golf development and Opticom have come under different ownership. Opticom has now determined that the private ski and golf subdivision does not constitute a financially feasible or viable business for it in the long term. Opticom has decided to focus its efforts and resources instead upon a fiber-optic system in the Four Corners area near Bozeman, Montana for which it received a grant-loan in 2010 as part of the Broadband Initiatives Program (BIP) of the Rural Utilities Service (RUS). The following U.S. citizens own ten percent or more the equity and voting power of Opticom both before and after the proposed transaction are: James J. Dolan (16.25 percent), Patricia D. Dolan (16.25 percent), James J. Dolan Jr. (12.5 percent) and UGMA Trust for Minor (10 percent). No other individual or entity owns or controls ten percent or more of the equity and voting power of Opticom.

3 Rivers, a Montana cooperative corporation, provides interstate telecommunications services as an incumbent local exchange carrier (incumbent LEC) in twenty-six local telephone exchanges (approximately 16,600 total access lines) throughout fourteen counties in rural western Montana. Its operations include a cluster of seven exchanges in southwestern Montana which contains the Big Sky exchange that encompasses the private ski and golf development. 3 Rivers also provides local exchange

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

service and exchange access as a competitive LEC in four exchanges in the counties of Pondera, Toole, Cascade and Lewis and Clark). 3 Rivers resells intrastate and interstate long distance toll services to business and residential customers throughout its service territories. No member of 3 Rivers holds a ten percent or greater ownership interest.

Pursuant to the terms of the proposed transaction, 3 Rivers will purchase from Opticom of all of its wireline telecommunications assets used to provide telecommunications services within the private ski and golf development. These assets include, but are not limited to, fiber optic cable, switching and routing devices, other transmission and termination equipment, subscriber lists and other property used in the provision of Opticom's services within the Big Sky exchange.

Applicants state that the proposed transaction will serve the public interest. Applicants maintain that upon completion of the proposed transaction, 3 Rivers will move as quickly as feasible to offer both its existing and new Big Sky customers quality, affordable and reasonably comparable services. Opticom no longer has a business office or technicians located in the private ski and golf development or other portions of the Big Sky exchange. In contrast, 3 Rivers maintains a customer service office and a permanent staff (two customer service representatives and seven technicians) in the Big Sky exchange which completely surrounds and encompasses the private ski and golf subdivision. Applicants do not request streamlined processing.

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Montana Opticom, LLC by 3 Rivers Telephone Cooperative, Inc., WC Docket No. 13-241 (filed Sept. 24, 2013).

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 November 6, 2013**, and reply comments **on or before November 13, 2013**. Pursuant to section 63.52 of the Commission's rules, 47 C.F.R. § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date.

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents in this proceeding using the Commission's Electronic Comment Filing System (ECFS): <http://fjallfoss.fcc.gov/ecfs2/>.

In addition, e-mail one copy of each pleading to each of the following:

- 1) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

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or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

The proceeding in this Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.² Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 C.F.R. § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

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

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² 47 C.F.R. §§ 1.1200 *et seq.*