



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 13-2287

Released: November 27, 2013

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
NIAGARA TELEPHONE COMPANY AND BORDERLAND COMMUNICATIONS, LLC
TO NORTHEAST COMMUNICATIONS OF WISCONSIN, INC.
D/B/A NSIGHT TELSOURCES**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 13-283

Comment Date: December 11, 2013

Reply Comment Date: December 18, 2013

On November 20, 2013, the Shareholders of Niagara Telephone Company (Niagara) and Northeast Communications of Wisconsin, Inc. d/b/a Nsight Telservices (Nsight) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer control of Niagara and its wholly-owned subsidiary, Borderland Communications, LLC (Borderland), from Niagara's current shareholders to Nsight.

Niagara, a Wisconsin corporation, is an incumbent local exchange carrier (LEC) serving approximately 3,200 access lines in the following Wisconsin Counties: Marinette and Florence. Niagara's wholly-owned subsidiary, Borderland, a Wisconsin limited liability company, provides competitive LEC services to approximately 80 access lines in Dickinson County, Michigan. Borderland also provides resold interstate services to customers located in the Niagara and Borderland local exchange service areas. Borderland does not provide competitive LEC services in Wisconsin. Niagara's wholly-owned subsidiary, Niagara Wireless, LLC, a Wisconsin limited liability company, holds a number of wireless licenses covering parts of Wisconsin and Michigan.²

Nsight, a Wisconsin corporation, is a holding company and the parent company and 100 percent owner of (1) Northeast Telephone Company, LLC, a Wisconsin limited liability company and incumbent LEC serving approximately 4,700 access lines in the following Wisconsin Counties: Brown, Oconto, Outagamie, and Shawano; (2) Bayland Telephone, LLC, a Wisconsin limited liability company and incumbent LEC serving approximately 1,700 access lines in Oconto County, Wisconsin; (iii) NET LEC,

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing an application for transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed supplements to their domestic section 214 application on November 26, 2013.

² Applicants state that Niagara Wireless, LLC is not part of the proposed transaction.

LLC, Brown County CLEC, LLC, and Bayland Communications, LLC, each being a Wisconsin limited liability company that serve in combination approximately 5,500 access lines and provide competitive LEC services predominately to business customers in the following Wisconsin Counties: Brown, Outagamie, Oconto, and Winnebago. None of these companies provide LEC services in Michigan. Applicants state that the only entity that will own at least 10 percent of the equity of Niagara after consummation of the transaction is Northeast Communications of Wisconsin, Inc., a Wisconsin corporation. The following U.S. citizens and U.S. based entity own at least 10 percent of Nsight's equity: Patrick D. Riordan (14.98 percent); Robert H. Riordan (11.32 percent), and Tailwind Capital Partners (13.64 percent).

Applicants state that Nsight provides wireless service over a portion of Niagara's telephone exchange service area via its Wisconsin RSA No. 4 Limited Partnership. They further state that Nsight, via Nsight Spectrum, LLC, has a PCS license that serves the area in which Borderland provides service. Other than the wireless overlap, neither Niagara and Nsight nor their respective affiliated companies have overlapping telephone exchange service areas or adjacent telephone exchange service areas. Because this transaction is more complex than usual, in order to analyze whether the proposed transaction would serve the public interest, this application will not be streamlined.³

Applicants state that the proposed transaction will be accomplished in two steps with the result that all of the issued and outstanding common stock of Niagara will be owned by Nsight. Applicants assert that the proposed transaction will serve the public interest because Nsight is an established rural telecommunications provider that will ensure Niagara's customers continue to receive high quality services at affordable rates.

Domestic Section 214 Application Filed for the Transfer of Control of Niagara Telephone Company and Borderland Communications, LLC to Northeast Communications of Wisconsin, Inc. d/b/a Nsight Teleservices, WC Docket No. 13-283 (filed Nov. 20, 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 December 11, 2013**, and reply comments **on or before December 18, 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) Myrva.Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;

³ 47 C.F.R. § 63.03(b), (c)(1)(v).

- 2) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@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.

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).

The proceeding in this Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s ex parte rules. 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 Myrva Charles at (202) 418-1506 or Jodie May at (202) 418-0913.

- FCC -