



PUBLIC NOTICE

Federal Communications Commission
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DA 14-54
Released: January 16, 2014

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF HIAWATHA BROADBAND COMMUNICATIONS, INC. TO ROBERT A. KIERLIN

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 14-7

Comments Due: January 30, 2014
Reply Comments Due: February 6, 2014

On January 13, 2014 Hiawatha Broadband Communications, Inc. (HBC), and Robert A. Kierlin (Mr. Kierlin), (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer control of HBC to Mr. Kierlin. Applicants consummated the transaction without prior approval from the Commission.

HBC, a Minnesota corporation, provides resold interstate, interexchange telecommunications services. HBC has more than 30 stockholders, but only two stockholders hold more than 10 percent of HBC's stock: Mr. Kierlin (61.31 percent), a United States citizen and the Maritime Heritage Society (16.343 percent), a charitable institution organized under the laws of Minnesota. Mr. Kierlin does not have a controlling interest in any other telecommunications service provider.

In 2010, Mr. Kierlin (holding a 41.44 percent interest in HBC) obtained a convertible note from HBC in return for a loan of funds to the company. That note was converted to stock of HBC on April 1, 2012, a transaction that increased Mr. Kierlin's stock ownership interest to 57.1 percent. On July 27, 2012, and September 4, 2012, Mr. Kierlin made additional equity investments in HBC. 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.²

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants also filed applications 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 a supplement to their application on January 14, 2014. On January 16, 2014, the Wireline Competition Bureau granted Applicants' request for Special Temporary Authority for a period of 60 days for authorization to continue to provide service pending approval of this application. A grant of the application will be without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules. Letter from David L. Nace, Counsel, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 14-7 (filed Jan. 10, 2014).

² 47 C.F.R. § 63.03(b)(1)(ii).

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be 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 CFR § 63.03(a), interested parties may file comments **on or before January 30, 2014**, and reply comments **on or before February 6, 2014**. 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. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.

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;
- 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.

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 Dennis Johnson at (202) 418-0809.

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