



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 15-1019
September 14, 2015

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
TC3 TELECOM, INC. TO D&P COMMUNICATIONS, INC.**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 15-203

Comments Due: September 28, 2015
Reply Comments Due: October 5, 2015

TC3 Telecom, Inc. (TC3), the Joseph P. Mattausch Agreement of Trust (JPM Trust), Mr. Joseph P. Mattausch, Trustee of the JPM Trust, and D&P Communications, Inc. (D&P) (together, Applicants) filed an application pursuant to section 214 of the Communications Act of 1934, as amended (Act), seeking approval to transfer control of TC3 from the JPM Trust to D&P Communications.¹ Applicants transferred control of TC3 without prior authorization from the Commission on February 14, 2014.

TC3, a Michigan corporation, provides competitive local exchange carrier (LEC) and long distance services to subscribers outside of Adrian, Michigan. It was wholly-owned by the JPM Trust, a Michigan entity. Applicants state that D&P, a Michigan corporation, is the parent company of Deerfield Farmers Telephone Company, Inc. (DFTC-ILEC), a rural incumbent LEC serving portions of Monroe and Lenawee Counties in southeastern Michigan, and the Deerfield Farmers Telephone Company-Competitive Local Exchange Carrier division (DFTC-CLEC) that provides competitive LEC service in discrete areas within Lenawee County and a small portion of Monroe County, but outside of the service area of DFTC-ILEC. D&P also owns D&P Long Distance, Inc. that provides long distance service in and around the areas of DFTC-ILEC and DFTC-CLEC, and D&P Cable, Inc. (DPC) that provides video and data service in the area served by DFTC. Applicants state that, before the transaction closed, TC3 provided local exchange and long distance services to customers within DFTC CLEC's service areas, and that TC3 provides local exchange and long distance services where DPC provides video and data services. Applicants state that no shareholder owns 10 percent or more of the issued and outstanding stock of D&P

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing 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 domestic section 214 application on September 1, 2015. On September 14, 2015, the Wireline Competition Bureau granted Applicants' request for Special Temporary Authority (STA) for a period of 60 days for authorization to continue to provide service pending approval of the application. Letter from Thomas J. Moorman, Counsel to D&P Communications, Inc. to Marlene H. Dortch, Secretary, FCC, WC Docket No. 15-202 (filed Aug. 20, 2015). A grant of the application will be without prejudice to any enforcement action by the Commission for non-compliance with the Act or the Commission's rules.

and that operational control of D&P rests with its Board of Directors and President, all U.S. citizens. Because of the overlapping service territories, Applicants state that they do not seek presumptive streamlining for this transaction under the Commission's rules.²

Applicants state that, on February 14, 2014, D&P purchased from the JPM Trust, through its Trustee, all of the issued and outstanding shares of TC3's parent company, TC3 Leasing Company, Inc. As a result, D&P wholly-owns TC3. Applicants assert that the proposed transaction will serve the public interest. They state that TC3 will continue to provide service to its subscribers in a manner that is transparent from the service they received prior to the transaction, and that the transaction will not harm competition because several facilities-based carriers continue to provide service in competition with Applicants.

Domestic Section 214 Application Filed for the Transfer of Control of TC3 Telecom, Inc. to D&P Communications, Inc., WC Docket No. 15-203 (filed Aug. 20, 2015).

GENERAL INFORMATION

The application referenced herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file comments **on or before September 28, 2015**, and reply comments **on or before October 5, 2015**.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

² 47 C.F.R. § 63.03.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

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

- 1) Margoux Brown, Competition Policy Division, Wireline Competition Bureau, margoux.brown@fcc.gov;
- 2) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 3) David Krech and Sumita Mukhoty, Policy Division, International Bureau, david.krech@fcc.gov; sumita.mukhoty@fcc.gov;
- 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), 1-888-835-5322 (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 Margoux Brown at (202) 418-1584 or Jodie May at (202) 418-0913.

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