



PUBLIC NOTICE

Federal Communications Commission
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DA 16-1101
September 28, 2016

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
OKLAHOMA WESTERN TELEPHONE COMPANY
TO HILLIARY ACQUISITION CORP. 2016, LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 16-277

Comments Due: October 12, 2016
Reply Comments Due: October 19, 2016

Pauline Van Horn, Michael Van Horn, and Cynthia Garrison (collectively, Transferors) and Hilliary Acquisition Corp. 2016, LLC (Hilliary) (together, Applicants) filed an application pursuant to section 214 of the Communications Act of 1934, as amended, and section 63.03 of the Commission's rules requesting approval to transfer control of Oklahoma Western Telephone Company (Oklahoma Western) and its wholly owned subsidiary, Phoenix Long Distance, Inc. (Phoenix LD), from Transferors to Hilliary.¹

Oklahoma Western, an Oklahoma corporation, provides incumbent local exchange carrier (LEC) service to approximately 1,650 access lines in rural portions of the counties of Pittsburg, Pushmataha, Latimer, and Leflore in southeastern Oklahoma.² Phoenix LD, an Oklahoma corporation, offers resold interstate and intrastate long distance services to customers in Oklahoma Western's LEC service area. Transferors, all U.S. citizens, currently own the following equity interests in Oklahoma Western: Pauline Van Horn, 52 percent, Michael Van Horn, 22.55 percent, and Cynthia Garrison, 16.35 percent.

Hilliary, an Oklahoma limited liability company, owns Medicine Park Telephone Company, which provides incumbent LEC service to approximately 679 access lines in rural southwest Oklahoma. Applicants state that Hilliary is also affiliated with Southern Plains Cable, LLC, which provides video and Internet service in southwest Oklahoma, Texhoma Fiber, LLC, which provides video and Internet service linking Oklahoma and north Texas and also has fiber facilities serving multiple cellular carriers, and

¹ See 47 U.S.C. § 214; 47 CFR § 63.03. Applicants also filed applications for the transfer of authorizations associated with wireless 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 Sept. 12, 2016.

² Applicants state that Oklahoma Western also provides video service in portions of its service territory and cellular service in southeastern Oklahoma.

Wichita Online, Inc., a competitive LEC serving the areas of Southwestern Bell Telephone and Windstream Communications in Oklahoma. Applicants state that Hilliary and its affiliates do not serve overlapping or adjacent service areas with Oklahoma Western and its affiliates. Applicants further state that the following U.S. citizens own or control 10 percent or more of the equity of Hilliary: Edward E. Hilliary, Jr. (25 percent), Dustin J. Hilliary (25 percent), Michael J. Hilliary (25 percent), and Douglas J. Hilliary (25 percent).

Pursuant to the terms of the proposed stock purchase and sale transaction, Transferors, who presently own 90.90 percent of the issued and outstanding stock of Oklahoma Western, propose to transfer all of their stock to Hilliary. Applicants assert that this proposed transaction qualifies for streamlined treatment pursuant to section 63.03(b)(2)(iii) 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 Oklahoma Western Telephone Company to Hilliary Acquisition Corp. 2016, LLC, WC Docket No. 16-277 (filed Sept. 2, 2016).

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 October 12, 2016**, and reply comments **on or before October 19, 2016**. Pursuant to section 63.52 of the Commission's rules, 47 CFR § 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://apps.fcc.gov/ecfs/>.

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) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov;

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³ 47 CFR § 63.03(b)(2)(iii).

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 CFR § 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 Jodie May at (202) 418-0913.

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