



PUBLIC NOTICE

Federal Communications Commission
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DA 16-1434
December 21, 2016

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE
TRANSFER OF CONTROL OF ACCIPITER COMMUNICATIONS, INC.
(DEBTOR-IN-POSSESSION) TO PINPOINT HOLDINGS, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 16-411

Comments Due: January 4, 2017
Reply Comments Due: January 11, 2017

Accipiter Communications, Inc., (Debtor-in-Possession) (Accipiter DIP) from Accipiter DIP to Accipiter Communications, Inc., as reorganized pursuant to Chapter 11 of the United States Bankruptcy Code (Reorganized Accipiter), which will be controlled by PinPoint Holdings, Inc. (Pinpoint, and collectively with Accipiter DIP and Reorganized Accipiter, 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 for the transfer of control of Reorganized Accipiter to Pinpoint.¹

Accipiter DIP, a Nevada corporation, is a privately-held company, operating as an incumbent local exchange carrier to serve portions of Maricopa County, Arizona and Yavapai County, Arizona. In these areas, Accipiter provides local exchange and long distance telephone services, with approximately 1,966 access lines.

Pinpoint, a Nebraska corporation, owns operating subsidiaries, Cambridge Telephone Company, Pinpoint Communications, and Pinpoint Wireless, which offer domestic telecommunications services.² Cambridge Telephone Company is a rural, incumbent local exchange carrier (LEC) and, in this capacity, provides local exchange voice services and long distance telephone services in the communities of Cambridge and Bartley, Nebraska, with approximately 1,035 access lines. Pinpoint Communications provides LEC and long distance telephone services in the communities of Gothenburg, McCook, and

¹ See 47 U.S.C. § 214; 47 CFR § 63.03. Applicants also filed an application for authority to assign authorizations associated with international and 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 application on December 20, 2016.

² Applicants state that Pinpoint Communications and Pinpoint Wireless also hold several licenses issued by the Commission to provide various wireless radio services.

Oxford, Nebraska, with approximately 970 access lines. Pinpoint Communications provides DSL services in McCook and Oxford, Nebraska.³ The following U.S. citizens hold a ten percent or greater interest in Pinpoint: William E. Shoemaker (13.21 percent); J. Richard Shoemaker (25.83 percent); Eric B. Eisenhart (21.17 percent); and G. Franklin Shoemaker (12.72 percent). Applicants state that no other individual or entity owns a ten percent or greater interest in Pinpoint.

On March 28, 2014, Accipiter Communications, Inc. filed a voluntary Chapter 11 bankruptcy petition under Title II of the United States Code in the United States Bankruptcy Court for the District of Arizona (Bankruptcy Court). Accordingly, Accipiter DIP is presently operating as a debtor-in-possession under the Bankruptcy Court's oversight. On September 29, 2016, Pinpoint and the Official Committee of Unsecured Creditors filed a First Amended Chapter 11 Plan of Reorganization (Plan) with the Bankruptcy Court. The Plan contemplates that, on and after the effective date of the Plan, Accipiter DIP will cease to be debtor-in-possession and will be reorganized in accordance with applicable bankruptcy laws. In addition, the Plan provides that, upon emergence from bankruptcy all of the currently outstanding equity interest of Accipiter DIP will be cancelled and extinguished, and Reorganized Accipiter will authorize and issue new common stock to Pinpoint. As a result, Pinpoint will be the sole shareholder of the outstanding common stock of Reorganized Accipiter. The Bankruptcy Court confirmed the Plan on December 14, 2016. 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.⁴

Domestic Section 214 Application Filed for the Transfer of Control of Accipiter Communications, Inc., to Accipiter Communications, Inc., as controlled by Pinpoint Holdings, Inc., WC Docket No. 16-411 (filed Dec. 16, 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 January 4, 2017**, and reply comments **on or before January 11, 2017**. 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 assets 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/>.

³ The specific services offered vary on a community-by-community basis, Pinpoint Communications also offers cable television to the communities of Beaver City, Indianola and Oxford, Nebraska.

⁴ 47 CFR § 63.03(b)(2)(iii).

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) Jim Bird, Office of General Counsel, jim.bird@fcc.gov;

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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 Dennis Johnson at (202) 418-0809.

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