



PUBLIC NOTICE

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

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DA 16-826
July 20, 2016

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
WALNUT TELEPHONE COMPANY TO
MARNE & ELK HORN TELEPHONE COMPANY**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 16-226

Comments Due: August 3, 2016
Reply Comments Due: August 10, 2016

The Shareholders of Walnut Telephone Company, Inc., d/b/a Walnut Communications (WTC) and Marne & Elk Horn Telephone Company (MEHTC), (collectively, the 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 authorization for the transfer of control of WTC to MEHTC.¹

WTC, an Iowa corporation, provides local exchange service and exchange access service as an incumbent local exchange carrier (LEC) in one rural exchange (the Walnut exchange) located in Pottawattamie and Shelby Counties in rural southwestern Iowa. WTC also provides local exchange service and exchange access service as a competitive LEC in six rural exchanges (the Avoca, Shelby, Minden, Persia, Neola, and Underwood exchanges) located in Pottawattamie, Shelby and Harrison counties in rural southwestern Iowa. WTC also provides interstate and intrastate long distance toll services, Internet access services and digital television services to customers within its incumbent LEC and competitive LEC local exchange service areas.

MEHTC, an Iowa corporation, provides local exchange carrier and exchange access service as an incumbent LEC in four rural exchanges (Marne, Elk Horn, Kimballton, and Brayton exchanges) located in Cass, Shelby and Audubon Counties in rural southwestern Iowa. MEHTC also provides resold interstate and intrastate long distance toll services, Internet access services, and television services to customers within its local exchange service areas.

Applicants state that the proposed transaction involves the merger of METC, Inc., an Iowa corporation and wholly owned subsidiary of MEHTC, into WTC. The existence of METC, Inc. will

¹ See 47 C.F.R § 63.03; 47 U.S.C. § 214. Applicants also filed an application for transfer of control associated with wireless services. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications.

cease, and the pre-existing shares of WTC will be redeemed for cash and MEHTC stock. As a result of the proposed transaction, MEHTC will become the parent company owning 100 percent of the stock of WTC. MEHTC will thereby control WTC, including WTC's blanket section 214 authorization.

Applicants state that the proposed transaction will ensure that WTC's customers and service area will continue to receive services at affordable rates during the foreseeable future. Applicants further state that the incumbent LEC and competitive LEC service areas of WTC and MEHTC do not overlap, and they do not compete for the same local exchange service customers. Applicants note, however, that WTC's Walnut exchange is adjacent to MEHTC's Marne and Elk Horn exchanges. We accept this for streamlined processing pursuant to our authority to afford streamlining to particular applications on a case-by-case basis.²

Domestic Section 214 Application Filed for the Transfer of Control of Walnut Telephone Company, Inc. to Marne & Elk Horn Telephone Company, WC Docket No. 16-226 (filed July 13, 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 August 3, 2016**, and reply comments **on or before August 10, 2016**. 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://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) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov;
- 4) David Krech, International Bureau, david.krech@fcc.gov;

² See *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, Report and Order, 17 FCC Rcd 5517, 5531-32, 5535, paras. 28, 34 (2002); 47 C.F.R § 63.03(a).

5) Sumita Mukhoty, International Bureau, sumita.mukhoty@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 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 Tracey Wilson at (202) 418-1394 or Dennis Johnson at (202) 418-0809.

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