



PUBLIC NOTICE

Federal Communications Commission
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DA 17-1199
December 13, 2017

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF THE LACKAWAXEN COMPANIES TO
LAUREL HIGHLAND TOTAL COMMUNICATIONS, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 17-353

Comments Due: December 27, 2017
Reply Comments Due: January 3, 2018

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Lackawaxen Telecommunications Services, Inc. (LTSI) and Lackawaxen Long Distance Company (LLDC) (the Lackawaxen Companies), through their direct parent company, Lackawaxen Telecom, Inc. (LTI) and ultimate parent company, LTC Communications, Inc. (LCI), and Laurel Highland Total Communications, Inc. (LHTC) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules, requesting consent to transfer control of each of the Lackawaxen Companies to LHTC.¹

Except for LTI, which is a Delaware corporation, each of the other companies involved in this proposed transaction is a Pennsylvania corporation. The Lackawaxen Companies are wholly owned subsidiaries of LTI, which is a wholly owned subsidiary of LCI. LTSI is a rural incumbent local exchange carrier (LEC) serving approximately 1,600 access lines in portions of Wayne and Pike Counties in northeastern Pennsylvania. LLDC is a reseller of long distance services operating in and around the service area of LTSI.²

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed applications for the transfer of 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.

² LLDC has also received certifications from the Pennsylvania Public Utility Commission to provide competitive LEC service within the service territories of Verizon Pennsylvania LLC, Verizon North LLC, and The United Telephone Company of Pennsylvania d/b/a CenturyLink, and competitive access service throughout Pennsylvania. Applicants state that LLDC is not presently providing any service.

LHTC is a holding company that wholly owns six telecommunications carriers operating in Pennsylvania: Laurel Highland Telephone Company (rural incumbent LEC serving a portion of southwestern Pennsylvania); South Canaan Telephone Company (rural incumbent LEC serving a portion of northeastern Pennsylvania); Yukon-Waltz Telephone Company (rural incumbent LEC serving a portion of southwestern Pennsylvania); Laurel Highland Telephone Company-CLEC Division (providing competitive LEC services in southwestern Pennsylvania in areas outside of the Laurel Highland Telephone Company and Yukon-Waltz territory); Laurel Highland Long Distance Company (providing resold long distance service in and around the areas served by Laurel Highland Telephone Company); South Canaan Long Distance Company (providing resold long distance service in and around the areas served by South Canaan Telephone Company); and Yukon-Waltz Communications, Inc. (providing resold long distance service in and around the areas served by Yukon-Waltz Telephone Company). Applicants state that no shareholder owns 10 percent or more of the issued and outstanding stock of LHTC, and that operational control of LHTC rests with its Board of Directors, President, and Chief Executive Officer, all U.S. citizens. Applicants state that the incumbent LEC services areas of LTSI and the LHTC companies are not overlapping or adjacent. They further state that neither LTSI nor any currently owned LHTC carrier provides competitive LEC service in the service area of LTSI.

Applicants state that the proposed transaction will be consummated through a reverse triangular merger whereby, after Laurel Submerg, Inc. (a Pennsylvania corporation wholly owned by LHTC), merges into LCI with LCI being the surviving corporation, LHTC will then acquire 100 percent of the outstanding shares of LCI, which will result in the transfer of ownership and control to LHTC of the LCI indirect wholly-owned subsidiaries, the Lackawaxen Companies. The Lackawaxen Companies will each become an indirect wholly-owned subsidiary of LHTC. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under sections 63.03(b)(2)(ii) and (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 the Lackawaxen Companies to Laurel Highland Total Communications, Inc., WC Docket No. 17-353 (filed Dec. 11, 2017).

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 December 27, 2017**, and reply comments **on or before January 3, 2018**. 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 using the Commission's Electronic Comment Filing System (ECFS): <http://apps.fcc.gov/ecfs/>.

³ 47 CFR §§ 63.03(b)(2)(ii) and (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) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 3) David Krech, International Bureau, david.krech@fcc.gov;
- 4) Sumita Mukhoty, International Bureau, Sumita.mukhoty@fcc.gov; and
- 5) 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 Jodie May at (202) 418-0913.

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