



PUBLIC NOTICE

Federal Communications Commission
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DA 17-281
March 23, 2017

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF BENCHMARK COMMUNICATIONS, LLC TO CRESCENT AFFILIATES, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 17-67

Comments Due: April 6, 2017

Reply Comments Due: April 13, 2017

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application filed by Benchmark Communications, LLC (Benchmark), Hunt Telecommunications, LLC (Hunt), and Crescent Affiliates, Inc. (Crescent) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and section 63.03 of the Commission's rules, requesting approval of an unauthorized transfer of control of 50 percent of the equity interests of Benchmark transferred from Hunt to Crescent in January 2014.¹

Benchmark, a Louisiana limited liability company, resells local and long distance services to multiple dwelling units in Louisiana, Mississippi, Alabama, and Florida. Prior to January 2014, Benchmark was a wholly owned subsidiary of Hunt, a Louisiana limited liability company that provides competitive telecommunications services in Louisiana.² Crescent, a Louisiana corporation, serves as an investor and does not itself provide telecommunications services. Mark L. Guidry and Joan P. Guidry, both U.S. citizens, together wholly own Crescent (each owning 50 percent). Applicants state that no other person or entity holds 10 percent or more of the equity or voting interests in any of the entities.

¹ See 47 U.S.C. § 214; 47 CFR § 63.03. Applicants also filed applications for the transfer of authorizations associated with international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. In January 2014, Applicants state that Crescent acquired 50 percent of Hunt's membership interests in Benchmark without seeking prior Commission approval of the transfer of control. Applicants explain that they were unaware of this obligation and that, through the applications now before the Commission, they wish to fully disclose all changes that have occurred since January 2014. On March 23, 2017, the Bureau granted Applicants' request for special temporary authority to authorize Benchmark to continue providing service while the Bureau reviews the domestic 214 application, effective for 60 days. See Letter from Leon Nowalsky, Counsel to Applicants, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-67 (filed Mar. 16, 2017).

² Applicants state that Kevin Hunt and Jason Hunt, both U.S. citizens, each currently own 24 percent of Hunt.

Applicants now seek Commission approval of the January 2014 transfer of control pursuant to which Hunt and Crescent now each hold a direct 50 percent interest in Benchmark. Applicants claim that, since that time, Benchmark has continued to provide high-quality uninterrupted service, has taken steps to ensure future compliance with Commission rules, and that the transaction has been transparent to its customers. Applicants assert that the transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) 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
Benchmark Communications, LLC to Crescent Affiliates, Inc.,
WC Docket No. 17-67 (filed Mar. 16, 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 April 6, 2017**, and reply comments **on or before April 13, 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 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) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@fcc.gov;
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov;
- 4) David Krech, International Bureau, david.krech@fcc.gov; and
- 5) Sumita Mukhoty, International Bureau, sumita.mukhoty@fcc.gov.

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³ 47 CFR § 63.03(b)(2)(i).

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 Gregory Kwan at (202) 418-1191.

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