



PUBLIC NOTICE

Federal Communications Commission
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DA 18-1068
October 18, 2018

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF AMERICAN BROADBAND COMMUNICATIONS, LLC AND DIALOG TELECOM LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 18-294

Comments Due: November 1, 2018
Reply Comments Due: November 8, 2018

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by the Estate of Patrick L. Eudy (Eudy Estate), Jane R. Eudy, and the Patrick L. Eudy Irrevocable Trust (Eudy Trust) (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 Commission approval to transfer control of American Broadband Communications, LLC (American Broadband) and its subsidiaries from the Eudy Estate to Ms. Eudy, and Dialog Telecom LLC (Dialog) and its subsidiaries from the Eudy Estate to the Eudy Trust.¹

American Broadband, a Delaware limited liability and holding company, does not provide telecommunications services itself but wholly owns American Broadband Holding Company (ABHC), a Delaware corporation and intermediate holding company. ABHC wholly owns the following entities that hold interests in various telecommunications providers: HunTel, Inc. (HunTel), a North Carolina corporation;² RBJ Corp. (RBJ), a Missouri corporation;³ TelAlaska,

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. On October 5, 2018, Applicants filed a supplement to their domestic section 214 application. Any action on the domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Applicants state that HunTel wholly owns the following incumbent local exchange carriers (LECs): Arlington Telephone Company, serving in and around Arlington, Nebraska; The Blair Telephone Company, serving in and around Blair, Kennard, and Fort Calhoun, Nebraska; Eastern Nebraska Telephone Company, serving in and around Walthill, Macy, Winnebago, Rosalie, Osmond, Meadow Grove, Carroll, and Belden, Nebraska; and Rock County Telephone Company, serving in and around Bassett and Newport, Nebraska. HunTel also wholly owns HunTel Cablevision, Inc., serving as a competitive LEC in and around Lyons, Oakland, and Tekamah, Nebraska and as interexchange reseller serving throughout the Nebraska areas served by HunTel's subsidiaries.

³ Applicants state that RBJ wholly owns the following Missouri corporations: Holway Telephone Company,

Incorporated (TAI), an Alaska corporation;⁴ and Cameron Communications, LLC (Cameron Communications), a Louisiana limited liability company.⁵

Dialog, a North Carolina limited liability and holding company, wholly owns the following competitive LECs: Dialog Telecommunications, Inc., serving Kentucky and North Carolina; Acorn Telephone LLC, also serving Kentucky; and AMA Communications LLC, serving Texas.

Pursuant to the terms of the proposed transaction, the Estate of Patrick L. Eudy, which currently wholly owns American Broadband and a controlling share (68.63 percent) of Dialog, will be distributed to Ms. Eudy, who currently serves as the Chairwoman of the Boards of Directors and the Chief Executive Officer of American Broadband and its subsidiaries, and as a Senior Executive of Dialog and its subsidiaries.⁶ Applicants state that upon consummation of the proposed transaction, Ms. Eudy will remain in these same roles and that the only change in the management of American Broadband or of Dialog and their subsidiaries will be a change in the form of Ms. Eudy's beneficial ownership of the equity of American Broadband and Dialog. After consummation of the proposed transaction, Ms. Eudy will hold all the equity of American Broadband individually and will hold 68.63 percent of the equity of Dialog as sole Trustee of the Eudy Trust. Applicants assert the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(1)(ii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.⁷

Domestic Section 214 Application Filed for the Transfer of Control of
American Broadband Communications, LLC and Dialog Telecom LLC,

an incumbent LEC serving in and around Maitland, Missouri; K.L.M. Telephone Company, an incumbent LEC serving in and around Rich Hill, Missouri; Holway Long Distance Company, an interexchange reseller serving in and around Maitland, Missouri; and KLM Long Distance Company, an interexchange reseller serving in and around Rich Hill, Missouri.

⁴ Applicants state that TAI wholly owns the following: Interior Telephone Company, an incumbent LEC serving Alaska; Mukluk Telephone Company, Inc., an incumbent LEC also serving portions of Alaska; and TelAlaska Long Distance, Inc., providing long distance services in Alaska.

⁵ Applicants state that Cameron Communications resells long distance services under the trade name of Cameron Long Distance in southwestern Louisiana and southeastern Texas. Cameron Communications provides competitive telecommunications services under the trade name Mercury Broadband Phone Service in southwestern Louisiana. Applicants state that Cameron Communications wholly owns the following: Cameron Telephone Company, LLC (Cameron Telephone), Elizabeth Telephone Company, L.L.C. (Elizabeth Telephone), and LBH, L.L.C. (LBH). Cameron Telephone provides incumbent LEC services in the Cameron, Carlyss, Creole, Grand Chenier, Hackberry, Holly Beach, and Johnson Bayou exchanges in southwestern Louisiana and in the Nome and High Island exchanges in southeastern Texas. Elizabeth Telephone is an incumbent LEC that serves the Elizabeth, Pitkin, and Sugartown exchanges in Allen, Vernon, Rapides, and Beauregard Parishes in southwestern Louisiana. LBH is a competitive LEC that serves Grand Lake and Sweetlake in the Cameron Parish, and Moss Bluff in the Calcasieu Parish in southwest Louisiana.

⁶ Applicants state that the Eudy Estate is currently represented by Ms. Eudy in her capacity as Executrix and personal representative of her deceased former husband and that Ms. Eudy is also the sole Trustee of the Eudy Trust. Applicants further state that Mr. James Bellina, a U.S. citizen, holds – and will continue to hold, post-consummation – the remaining 22.88 percent of Dialog. Applicants further state that neither Ms. Eudy nor Mr. Bellina, nor American Broadband nor Dialog, nor any of their subsidiaries, hold interests of 10 percent or greater in any other telecommunications providers other than what is described in the application.

⁷ 47 CFR § 63.03(b)(1)(ii).

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 November 1, 2018**, and reply comments **on or before November 8, 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/>.

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) 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.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), 1-888-835-5322 (tty).

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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