



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
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DA 18-1185
November 20, 2018

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF LE-RU TELEPHONE COMPANY TO STEL-CO

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 18-342

Comments Due: December 4, 2018

Reply Comments Due: December 11, 2018

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application filed by Robert L. Hart (Mr. Hart) and STEL-CO (STEL-CO) (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 for the transfer of control of Le-Ru Telephone Company (Le-Ru Telephone) and its wholly-owned subsidiary, Le-Ru Long Distance Company (Le-Ru LD), from Mr. Hart to STEL-CO.¹

Le-Ru Telephone, a Missouri corporation, provides incumbent local exchange carrier (LEC) services in the Stella and Powell exchanges in southwest Missouri. Le-Ru serves approximately 1,190 access lines. Le-Ru Telephone offers resold long distances services through its wholly-owned subsidiary, Le-Ru LD.

STEL-CO, a newly-formed Missouri corporation, does not provide telecommunications services. STEL-CO is wholly owned by W. Jay Mitchell, a U.S. citizen. Mr. Mitchell also owns controlling interests (50 percent), through various revocable trusts, of the stock of Seneca Telephone Company (Seneca), Goodman Telephone Company (Goodman), and Ozark Telephone Company (Ozark) that provide incumbent LEC services in Arkansas, Missouri and Oklahoma. Applicants state that Goodman's service area is adjacent to that of Le-Ru Telephone. Through a revocable trust, Mr. Mitchell also owns 50 percent of ARK-O Holding Company, a Missouri corporation, which, in turn, owns the common stock of Cleveland County Telephone Company (Cleveland), Decatur Telephone Company (Decatur), and Wyandotte Telephone Company (Wyandotte) that provide incumbent LEC services in Arkansas and Oklahoma.² Mr. Mitchell also owns 50 percent of

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. The Applicants also filed an application for the transfer of authorizations associated with international services. Any action on the domestic section 214 applications is without prejudice to Commission action on other related, pending applications.

² Applicants collectively refer to Seneca, Goodman, Ozark, Cleveland, Decatur, and Wyandotte as the ARK-O

S-GO Leasing Company d/b/a S-GO Long Distance and d/b/a SGO Broadband, a Missouri corporation, which provides resold long distances services.

Applicants state that STEL-CO will acquire all of the stock of Le-Ru Telephone. After consummation of the proposed transaction, STEL-CO will then own 100 percent of the stock of Le-Ru Telephone and will indirectly own 100 percent of the stock of Le-Ru LD.

The Applicants assert that a grant of the application will serve the public interest, convenience, and necessity. Because the proposed transaction is more complex than usual, and in order to analyze whether it would serve the public interest, the application will not be streamlined.³

Domestic Section 214 Application Filed for the Transfer of Control of
Le-Ru Telephone Company to STEL-CO, WC Docket No. 18-342
(filed Nov. 13, 2018).

GENERAL INFORMATION

The application identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies.

Interested parties may file comments and petitions **on or before December 4, 2018**, and reply comments or oppositions to petitions **on or before December 11, 2018**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Electronic Filers: Comments may be filed electronically by accessing ECFS at <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC, 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. All envelopes and boxes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD, 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC, 20554.

Operating Companies.

³ 47 CFR § 63.03(c)(1)(v).

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 and Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

In addition, please provide one copy of each pleading to each of the following:

- 1) Jim Bird, Office of General Counsel, transactionteam@fcc.gov;
- 2) Dennis Johnson, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) Tracey Wilson, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 4) David Krech, International Bureau, david.krech@fcc.gov; and
- 5) Sumita Mukhoty, International Bureau, sumita.mukhoty@fcc.gov.

The proceeding in this Notice shall be treated as a permit-but-disclose proceeding in accordance with the Commission's *ex parte* rules.⁴ 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 data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, then 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.

To allow the Commission to consider fully all substantive issues regarding the applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.⁵ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission. For further information, please contact Tracey Wilson at (202) 418-1394 or Dennis Johnson at (202) 418-0809.

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⁴ 47 CFR § 1.1200 *et seq.*

⁵ See 47 CFR § 1.45(c).