



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 18-347  
April 6, 2018

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF  
CONTROL OF ELLERBE TELEPHONE COMPANY, INC.  
TO RIVERSTREET MANAGEMENT SERVICES, LLC**

**NON-STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 18-94**

**Comments Due: April 20, 2018**  
**Reply Comments Due: April 27, 2018**

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on applications filed by Mr. Daniel M. Bennett, Ellerbe Telephone Company, Inc. (Ellerbe), ETCOM, LLC (ETCOM), and RiverStreet Management Services, LLC (RiverStreet) (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 Ellerbe and ETCOM from Mr. Bennett to RiverStreet.<sup>1</sup>

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<sup>1</sup> See 47 U.S.C. § 214; 47 CFR §§ 63.03-04; Domestic Section 214 Application for the Transfer of Control of Ellerbe Telephone Company, Inc. and ETCOM, LLC to RiverStreet Management Services, LLC, WC Docket No. 18-94 (filed Mar. 26, 2018) (Application). Applicants also filed applications for the transfer of authorizations associated with international and wireless services. Any action on the domestic section 214 applications is without prejudice to Commission action on other related, pending applications. RiverStreet has several transactions pending at the Commission at this time. It filed a domestic section 214 application to acquire control of Peoples Mutual Telephone Company (PMTC), an incumbent local exchange carrier (LEC) in Pittsylvania County, Virginia, and PMTC's wholly owned interexchange carrier subsidiary. *Domestic Section 214 Application Filed for the Transfer of Control of Peoples Mutual Telephone Company and Peoples Mutual Long Distance Company to RiverStreet Management Services, LLC*, WC Docket No. 17-365, Public Notice, DA 18-48 (WCB Jan. 16, 2018). In addition, RiverStreet's parent, Wilkes Telephone Membership Corporation (WTMC), has filed a domestic section 214 application to acquire Tri-County Telephone Membership Corporation (TTMC), an incumbent LEC in Beaufort, Hyde, and Washington Counties in North Carolina and TTMC's wholly owned competitive LEC subsidiary. Section 214 Application for the Transfer of Control of Tri-County Telephone Membership Corporation and Tri-County Communications, Inc. to Wilkes Telephone Membership Corporation, WC Docket No. 18-95 (filed Mar. 26, 2018).

Ellerbe, a North Carolina corporation, provides services as an incumbent LEC in and around the Town of Ellerbe in Richmond County, North Carolina. Ellerbe wholly owns ETCOM, a North Carolina limited liability company, that provides interexchange services both in and around Ellerbe's incumbent LEC service territory and competitive LEC service in Anson, Montgomery, Moore, Richmond, and Scotland Counties in North Carolina. Applicants state that ETCOM does not provide competitive LEC service in the service territories of the incumbent LECs that are parties to the proposed transaction. They further state that Ellerbe and RiverStreet have no overlapping or adjacent service areas.

RiverStreet, a North Carolina corporation, is a holding company with no current operations. RiverStreet's parent, WTMC, is a North Carolina cooperative association that provides incumbent LEC services in the exchanges of Boomer, Champion, Clingman, and Lomax in western North Carolina, in and around Wilkes County. RiverStreet owns 100 percent of the issued and outstanding stock of three other rural North Carolina incumbent LECs: Barnardsville Telephone Company, Inc., Saluda Mountain Telephone Company, Inc., and Service Telephone Company, Inc. Subsidiaries of RiverStreet and WTMC also provide or are authorized to provide competitive LEC services and other telecommunications services in North Carolina and Virginia.<sup>2</sup> In addition, WTMC wholly owns Wilkes Communications, Inc. (WCI), a North Carolina corporation providing competitive LEC services in areas bordering WTMC's incumbent LEC operations and that provides interexchange and video services in the incumbent LEC and competitive LEC footprints of WTMC and its affiliates. Applicants state that WTMC is owned by its members/subscribers and that no single member or subscriber owns or controls more than five percent of WTMC's equity.

Pursuant to the terms of the proposed transaction, RiverStreet will purchase all of the shares of Ellerbe, thereby acquiring control of that company as well as ETCOM. Applicants state that Ellerbe and ETCOM will continue to exist and operate in their existing corporate formats and under existing corporate names, but it is anticipated that they will do business under the name, RiverStreet Communications. Applicants assert that a grant of the application will serve the public interest, convenience, and necessity. Because the transaction is more complex than usual, in order to analyze whether the proposed transaction would serve the public interest, this application will not be streamlined.<sup>3</sup>

Domestic Section 214 Application Filed for the Transfer of Control of  
Ellerbe Telephone Company, Inc. and ETCOM, LLC to  
RiverStreet Management Services, LLC, WC Docket No. 18-94  
(filed Mar. 26, 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.

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<sup>2</sup> See Application at 10-12 for a complete description of RiverStreet and WTMC's affiliates that provide telecommunications services. WTMC also holds minority interests in wireless companies holding licenses in North Carolina.

<sup>3</sup> 47 CFR § 63.03(c)(1)(v).

Interested parties may file comments and petitions **on or before April 20, 2018**, and reply comments or oppositions to petitions **on or before April 27, 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 12<sup>th</sup> 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 12<sup>th</sup> Street, SW, Washington DC, 20554.

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](mailto: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](mailto:transactionteam@fcc.gov);
- 2) Gregory Kwan, Wireline Competition Bureau, [gregory.kwan@fcc.gov](mailto:gregory.kwan@fcc.gov);
- 3) Tracey Wilson, Wireline Competition Bureau, [tracey.wilson@fcc.gov](mailto:tracey.wilson@fcc.gov);
- 4) David Krech, International Bureau, [david.krech@fcc.gov](mailto:david.krech@fcc.gov);
- 5) Sumita Mukhoty, International Bureau, [sumita.mukhoty@fcc.gov](mailto: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.<sup>4</sup> 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,

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<sup>4</sup> 47 CFR § 1.1200 *et seq.*

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.<sup>5</sup> 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 Myrva Charles at (202) 418-1506 or Gregory Kwan at (202) 418-1191.

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<sup>5</sup> See 47 CFR § 1.45(c).