



PUBLIC NOTICE

Federal Communications Commission
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DA 19-1028
October 9, 2019

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF HART TELEPHONE COMPANY AND HART COMMUNICATIONS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 19-276

Comments Due: October 23, 2019
Reply Comments Due: October 30, 2019

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by The Estate of Jack Lee Barton (the Estate), through its Co-Executors, James R. Daniel, Jr. and Catherine L. Barton, and the Non-Exempt Marital Income Trust U/W Jack Lee Barton (Nonexempt Trust) and Lintel, Inc. (Lintel) (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 Hart Telephone Company (HTC) and Hart Communications, Inc. (HCI).¹

Lintel, a Georgia holding corporation, does not provide telecommunications services, but wholly owns HTC and HCI.² HTC, a Georgia corporation, is a rural incumbent local exchange carrier (LEC) providing service to approximately 4,500 access lines in northeastern Georgia. HCI, a Georgia corporation, is a reseller of domestic long-distance services operating in and around the service area of HTC.

Pursuant to the terms of the proposed transaction, the Co-Executors of the Estate will transfer the Lintel stock currently held by the Estate to five testamentary trusts created under the provisions of Jack Lee Barton's Last Will and Testament. The trusts are organized under Georgia law, all beneficiaries are U.S. citizens, and, according to Applicants, the trusts do not have affiliates that provide telecommunications services. Post-transaction, the Nonexempt Trust will own

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants are also filing an application for the transfer of control of international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed supplements to their domestic section 214 application on September 30 and October 4, 2019.

² Mr. Jack Lee Barton's Estate currently holds approximately 95% of the stock of Lintel.

approximately 79% of Lintel and will be the only trust to own a 10% or greater interest in Lintel.³ The sole beneficiary of the Nonexempt Trust is the spouse of Mr. Jack Lee Barton, Kim L. Barton. Voting rights for the Nonexempt Trust will be exercised by James R. Daniel, Jr., a U.S. citizen, while he is serving as a Co-Trustee of the Nonexempt Trust. Applicants assert that the proposed transaction is entitled to streamlined treatment under the Commission's rules and that a grant of the application would serve the public interest, convenience, and necessity. We accept this application for filing under section 63.03(b)(1)(ii) of the Commission's rules.⁴

Domestic Section 214 Application Filed for the Transfer of Control of
Hart Telephone Company and Hart Communications, Inc.,
WC Docket No. 19-276 (filed Sept. 18, 2019).

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 October 23, 2019**, and reply comments **on or before October 30, 2019**. 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) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) Sumita Mukhoty, Policy Division, International Bureau, sumita.mukhoty@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

³ The actual percentage of Lintel stock that will be transferred to the Nonexempt Trust will await the final valuation of Lintel as required under applicable law. Applicants submit, however, that no other greater than 10% owner of Lintel would be established based on that valuation.

⁴ 47 CFR § 63.03(b)(1)(ii).

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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 Dennis Johnson at (202) 418-1191.

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