



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 19-1197
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DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF FARBER TELEPHONE COMPANY TO NEW FLORENCE TELEPHONE COMPANY

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 19-336

Comment Date: December 4, 2019

Reply Comment Date: December 11, 2019

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Charles W. Crow, Ruth Ann Crow, and David R. Crow (Transferors), and New Florence Telephone Company (New Florence) (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 Farber Telephone Company from Transferors to New Florence.¹

Farber Telephone Company, a Missouri corporation, provides services as a rural incumbent local exchange carrier (LEC) to 103 loops in the Farber wire center in Missouri. The following U.S. citizens own a 10% or greater interest in Farber Telephone Company: Charles W. Crow (67%) and Ruth Ann Crow (32%).

New Florence, a Missouri corporation, provides service as an incumbent LEC to 347 loops in the New Florence wire center in Missouri.² New Florence is wholly owned by Oregon Telephone Corporation (OTC), an Oregon corporation providing incumbent LEC service in Oregon. Mr. Garrin Bott, a U.S. citizen, wholly owns OTC.³

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04.

² New Florence wholly owns the following three rural incumbent LECs, each Missouri corporations, providing service in Missouri: New London Telephone Company (New London), serving the New London wire center; The Stoutland Telephone Company (Stoutland), serving the Stoutland wire center; and Orchard Farm Telephone Co. (Orchard Farm), serving the Orchard Farm wire center. Applicants state that New Florence, New London, Stoutland, and Orchard Farm do not overlap, and are not adjacent to, Farber Telephone Company.

³ Applicants state that OTC (95%) and Mr. Bott (5%) own the stock of North-State Telephone Co (North-State), an incumbent LEC serving the Dufur exchange in Oregon. North-State, in turn, wholly owns three rural incumbent LECs: Home Telephone Company, an Oregon corporation, serving the Condon exchange in Oregon; Pine Telephone System, Inc., an Oregon corporation, serving the Halfway, Granite, and Three Rivers exchanges in Oregon; and Skyline Telecom, Inc., a Washington corporation, serving the Mt. Hull and Beaver Creek exchanges in Washington. OTC has filed a pending domestic section 214 application to acquire Helix Telephone Company, an incumbent LEC serving the Helix and Meacham exchanges in Oregon. *Domestic Section 214 Application Filed for the Transfer of Control of Helix Telephone Company to Oregon Telephone Corporation*, WC Docket No. 19-307, Public Notice, DA 19-1151 (WCB Nov. 6, 2019). Any action on the current application is without prejudice to Commission action on other pending applications.

Pursuant to the terms of the proposed transaction, New Florence will acquire all of the stock of Farber Telephone Company from Transferors. Applicants assert that a grant of the application would serve the public interest, convenience, and necessity. Because the transaction is more complex than usual, and in order to analyze whether the proposed transaction would serve the public interest, the application will not be streamlined.⁴

Domestic Section 214 Application Filed for the Transfer of Control of Farber Telephone Company to New Florence Telephone Company, WC Docket No. 19-336 (filed Nov. 12, 2019).

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, 2019**, and reply comments or oppositions to petitions **on or before December 11, 2019**. 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.

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, e-mail one copy of each pleading to each of the following:

- 1) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov; and
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

⁴ 47 CFR § 63.03(c)(1)(v).

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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.

To allow the Commission to consider fully all substantive issues regarding the application 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 Myrva Charles at (202) 418-1506 or Dennis Johnson at (202) 418-0809.

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⁵ See 47 CFR § 1.45(c).