



# PUBLIC NOTICE

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

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DA 19-661  
July 15, 2019

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF  
CERTAIN ASSETS OF ABSARAKA COOPERATIVE TELEPHONE COMPANY, INC. BY  
INTER-COMMUNITY TELEPHONE COMPANY, L.L.C.**

**NON-STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 19-164**

**Comments Due: July 29, 2019**  
**Reply Comments Due: August 5, 2019**

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Absaraka Cooperative Telephone Company, Inc. (Absaraka) and Inter-Community Telephone Company, L.L.C. (ICTC) (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 approval for the transfer of certain assets owned by Absaraka to ICTC.<sup>1</sup>

Absaraka, a North Dakota cooperative association, is a rural incumbent local exchange carrier (LEC) providing service to approximately 31 residential and three business lines in the Absaraka exchange in central Cass County, North Dakota.<sup>2</sup> ICTC, a North Dakota limited liability company, is a rural incumbent LEC serving more than 1,500 customers in nine exchanges in parts of Barnes, Cass, Griggs, Ransom, and Steele Counties, North Dakota. ICTC is a wholly owned subsidiary of BEK Communications Cooperative (BEK), a North Dakota cooperative, providing service as a rural incumbent LEC to approximately 850 business and 6,500 residential access lines in 20 rural exchanges in Barnes, Burleigh, Emmons, Kidder, Logan, McIntosh, McLean, and Morton Counties, North Dakota, as well as providing competitive telecommunications services in

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<sup>1</sup> See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed an application for the transfer of authorizations associated with international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. On July 9, 2019, Applicants provided a supplement to their domestic section 214 application.

<sup>2</sup> Absaraka also serves as a billing and collection agent for, but is not affiliated with, Envoy, LLC, a Minnesota limited liability company that provides interexchange services to subscribing Absaraka telephone customers.

and around Valley City, North Dakota.<sup>3</sup> The incumbent LEC service territory of Absaraka is adjacent to the incumbent LEC service territory of ICTC.

Pursuant to the terms of the proposed transaction, ICTC will obtain most of Absaraka's assets including all of its customer base and Commission authorizations. 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.<sup>4</sup>

Domestic Section 214 Application Filed for the Acquisition of Assets of Absaraka Cooperative Telephone Company, Inc. by Inter-Community Telephone Company, L.L.C., WC Docket No. 19-164 (filed June 14, 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 July 29, 2019**, and reply comments or oppositions to petitions **on or before August 5, 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 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.

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<sup>3</sup> Applicants provide the names of BEK's officers and directors, all U.S. citizens. Applicants state that BEK holds a 10% interest in, and serves as a billing and collection agent for, North Dakota Long Distance, LLC, a North Dakota limited liability company that provides interexchange services to ICTC's customers. Applicants further state that neither BEK nor ICTC hold interests in any other provider of domestic telecommunications services.

<sup>4</sup> 47 CFR § 63.03(c)(1)(v).

- 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, 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](mailto:myrva.charles@fcc.gov);
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, [gregory.kwan@fcc.gov](mailto:gregory.kwan@fcc.gov); and
- 3) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto: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](mailto: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.

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.<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.

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<sup>5</sup> See 47 CFR § 1.45(c).

For further information, please contact Myrva Charles at (202) 418-1506 or Gregory Kwan at (202) 418-1191.

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