



# PUBLIC NOTICE

Federal Communications Commission  
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## DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF SLAPPEY TELEPHONE INC. BY SLAPPEY COMMUNICATIONS, LLC

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 19-218

**Comment Date: September 12, 2019**

**Reply Comment Date: September 19, 2019**

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Slappey Telephone Inc. (Slappey Telephone), Slappey Communications, LLC (Slappey Communications), BMP Slappey Holdco, LLC (BMP Holdco), and Baymark Partners, LP (collectively, the 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 assets of Slappey Telephone to Slappey Communications.<sup>1</sup>

Slappey Telephone, an Alabama corporation, provides competitive local exchange services in Birmingham, Montgomery, Huntsville, and Mobile Counties in Alabama. Slappey Communications, a Texas limited liability company, was created for the purposes of effectuating the proposed transaction and does not currently provide telecommunications service. It is a wholly owned subsidiary of BMP Holdco, a Texas limited liability and holding company and affiliate of Baymark Partners, L.P, a Texas-based private equity entity. Applicants state that the following U S entities owns a 10% or greater equity interest in BMP Holdco: BMP Slappey Investment, LP (Slappey Investment) (51.4%), BMP Slappey Common, LLC (Slappey Common) (15%), Novus Method, LLC (Novus Method) (13%); and Argonian, LLC (Argonian) (12 percent).<sup>2</sup>

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<sup>1</sup> See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed applications for the transfer of authorizations associated with international services. On August 14, 2019 and August 22, 2019, Applicants filed supplements to their domestic section 214 application. Any action on the domestic section 214 application is without prejudice to Commission action on other related, pending applications.

<sup>2</sup> Applicants state that the following Texas limited liability companies and U.S. citizen hold a 10% or greater interest in Slappey Investment: BMP Slappey Direct Invest, LLC (Slappey Direct Invest) (43.7%); Zarkava Holdings, LLC (Zarkava Holdings) (11.11%); and William J. Slappey III (22.22%). Baymark Management, LLC (Baymark Management), a Texas limited liability company, holds 98.3% of Slappey Direct Invest and wholly owns Slappey Common. Mr. Anthony Ludlow and Mr. David Hook, both U.S. citizens, each hold 50% of Baymark Management. Adnan Rehmatullah, a U.S. citizen, wholly owns Zarkava Holdings. Wesley J. Slappey, a U.S. citizen, holds 92.3% of the equity of in Novus Method, and William J. Slappey IV and Sarah Elizabeth Leona Slappey, both U.S. citizens, each hold 50% of the equity of Argonian. Applicants further state that none of the entities nor individuals listed herein hold a 10% or greater interest in any other domestic telecommunications provider.

Pursuant to the terms of the proposed transaction, Slappey Communications will acquire Slappey Telephone's customer base, licenses and authorizations, and various other assets needed to provide services to Slappey Telephone's current customers. Applicants assert the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application would serve the public interest, convenience, and necessity.<sup>3</sup>

Domestic Section 214 Application Filed for the Acquisition of Assets of Slappey Telephone Inc. by Slappey Communications, LLC, WC Docket No. 19-218 (filed July 26, 2019).

### **GENERAL INFORMATION**

The transfer of assets 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 September 12, 2019**, and reply comments **on or before September 19, 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](mailto:tracey.wilson@fcc.gov);
- 2) Greg Kwan, Competition Policy Division, Wireline Competition Bureau, [greg.kwan@fcc.gov](mailto:greg.kwan@fcc.gov);
- 3) David Krech, International Bureau, [david.krech@fcc.gov](mailto:david.krech@fcc.gov);
- 4) Sumita Mukhoty, International Bureau, [sumita.mukhoty@fcc.gov](mailto:sumita.mukhoty@fcc.gov); and
- 5) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov).

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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

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<sup>3</sup> 47 CFR § 63.03(b)(2)(i).

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 Greg Kwan at (202) 418-1191.

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