



PUBLIC NOTICE

Federal Communications Commission
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News Media Information 202 / 418-0500
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DA 19-879

Released: September 5, 2019

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN
ASSETS OF MLGC, LLC BY POLAR TELCOM, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 19-234

Comment Date: September 19, 2019

Reply Comment Date: September 26, 2019

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by MLGC, LLC (MLGC) and Polar Telecom, Inc. (Polar) (together, 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 for the acquisition of certain assets of MLGC by Polar.¹

MLGC, a North Dakota limited liability company, provides competitive local exchange carrier (LEC) services in Northwood, North Dakota.² MLGC is a wholly owned subsidiary of Griggs County Telephone Company (d/b/a MLGC), a North Dakota limited liability company that provides incumbent LEC services in Finley, Binford, McHenry, Cooperstown, Enderlin, and Sheldon, North Dakota.³

Polar, a North Dakota corporation, provides competitive LEC services and other telecommunications services in Larimore and Grafton, North Dakota. Polar is a wholly owned subsidiary of Polar Communications Mutual Aid Corp. (Polar Mutual), a North Dakota corporation and cooperative that provides incumbent LEC services throughout the Red River Valley and surrounding areas of North Dakota and Minnesota.⁴ Polar Mutual and its affiliates do not provide services in Northwood.

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. On September 4, 2019, Applicants filed a supplement to their domestic section 214 application.

² Applicants state that CenturyLink is the incumbent LEC provider in Northwood, North Dakota.

³ MLGC also provides cable TV services in the Eastern North Dakota communities of Enderlin, Kindred, Finley, and Northwood and also provides Cable TV services in the incumbent LEC territories of Griggs County Telephone Company.

⁴ As a cooperative, Applicants state that no single member holds a 10% or greater interest in Polar Mutual. Polar Mutual also wholly owns Wolverton Telephone, a Minnesota corporation, serving as an incumbent LEC in Wolverton, Minnesota and Walcott and Christine, North Dakota. Polar Mutual also holds a 40.5% ownership interest in The Phone Company d/b/a North Dakota Telephone, a North Dakota corporation, serving as an incumbent LEC in Balta, Cando, Crary, Devils Lake, Drake, Esmond, Fessenden, Fort Totten, Hampden, Harvey, Knox, Leeds, Maddock, McVile, Minnewaukan, New Rockford, Oberon, Pekin, Penn, Rugby, Sheyenne,

(continued...)

Pursuant to the terms of the proposed transaction, Polar would acquire MLGC's customer base, equipment, real property, and other assets utilized in the ownership and operation of MLGC's business in the geographic area of Northwood, North Dakota. Applicants assert the proposed transaction is entitled to streamlined treatment under section 63.03(b)(2)(iii) of the Commission's rules and that a grant of the application would serve the public interest, convenience, and necessity.⁵

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of MLGC, LLC by Polar Telecom, Inc., WC Docket No. 19-234 (filed Aug. 20, 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 September 19, 2019**, and reply comments **on or before September 26, 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) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@fcc.gov; and
- 3) Jim Bird, Office of General Counsel, 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 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

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Starkweather, Tolna, Warwick, and Webster, North Dakota. Applicants further state that neither Polar nor Polar Mutual hold a 10% or greater interest in any other provider of domestic telecommunications services.

⁵ 47 CFR § 63.03(b)(2)(iii).

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 Gregory Kwan at (202) 418-1191.

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