



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 20-1026

September 3, 2020

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF ASSETS
OF SODTOWN TELEPHONE COMPANY BY
SODTOWN COMMUNICATIONS, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-274

Comments Due: September 17, 2020

Reply Comments Due: September 24, 2020

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Sodtown Telephone Company (STC) and Sodtown Communications, Inc. (SCI) (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 the telecommunications assets and customer base of STC to SCI.¹

STC, a Nebraska cooperative corporation, is a rural incumbent local exchange carrier (LEC) serving approximately 56 access lines in portions of Buffalo and Hall Counties in Central Nebraska. SCI, a Nebraska corporation formed for the purposes of this transaction, is a wholly owned subsidiary of Consolidated Companies, Inc. (CCI), also a Nebraska corporation, that wholly owns four incumbent LECs and an interexchange carrier serving North Central and Southwestern Nebraska.² Applicants state that the following U.S. citizens hold a 10% or more interest in CCI: L.

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. On September 1, 2020, Applicants filed a supplement to their application. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² CCI wholly owns the following incumbent LECs: Consolidated Telephone Company (CTC); Consolidated Telco, Inc.; Consolidated Telcom, Inc.; and Curtis Telephone Company. CTC serves North Central Nebraska while the other three incumbent LECs serve Southwestern Nebraska. CCI also wholly owns Consolidated Long Distance, a resale interexchange carrier serving both North Central and Southwestern Nebraska and NebraskaLink, LLC which provides competitive telecommunications and other services in Nebraska, Colorado, and Iowa. Applicants state that neither CCI nor any of its subsidiaries hold a 10% or greater interests in any other provider of domestic telecommunications services.

Rodney Thompson (36.7%); Sally M. Thompson (11.8%); Wendy T. Fast (35.6%); and Charles L. Fast (12.2%).³

Pursuant to the terms of the proposed transaction, SCI will purchase all of the operating assets and customer base of STC and, post consummation, SCI will serve these customers in Central Nebraska. Applicants state that there is no overlap nor adjacency of service areas between STC and the subsidiaries of CCI. Applicants request streamlined treatment of the proposed transaction under the Commission's rules and assert 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)(2)(iii) of the Commission's rules.⁴

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of
Sodtown Telephone Company by Sodtown Communications, Inc.
WC Docket No. 20-274 (filed August 24, 2020).

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 17, 2020**, and reply comments **on or before September 24, 2020**. 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;
- 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).

³ Applicants state that these four individuals also make up the board of directors for CCI and that Ms. Wendy Fast manages the day-to-day operational control of CCI.

⁴ 47 CFR § 63.03(b)(2)(iii).

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 Tracey Wilson at (202) 418-1394 or Gregory Kwan at (202) 418-1191.

FCC

⁵ See 47 CFR § 1.45(c).