



PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

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

DA 20-1308
November 3, 2020

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF DUCOR TELEPHONE COMPANY D/B/A VARCOMM HOLDINGS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-353

Comments Due: November 17, 2020
Reply Comments Due: November 24, 2020

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Galen Norsworthy (the Decedent), the Estate of Galen Norsworthy (the Estate), and Ducor Telephone Company d/b/a Varcomm (Ducor) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,¹ requesting consent for the transfer of control of Ducor from the Decedent to the Estate.²

Ducor, a California corporation, provides service as an incumbent local exchange carrier (LEC) in three rural exchanges (approximately 985 total access lines) that serve the communities of Ducor and Kennedy Meadows in Tulare County in south central California and Rancho Tehama Reserve in Tehama County in northern California. Ducor is wholly owned by Varcomm, a California corporation and holding company, which, prior to September 25, 2020, was owned by the Decedent (67%) and Ronald Roome (19%), a U.S. citizen.³

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed applications for the transfer of authorizations associated with wireless authorizations. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Applicants state, at the time of Mr. Norsworthy death on May 9, 2020, the Decedent owned a controlling (67%) interest in the stock of Varcomm Holdings, Inc. (Varcomm), the parent company of Ducor. On September 25, 2020, the Superior Court of California, County of Inyo, admitted the Decedent's will to probate and appointed his wife Isabel Nita Norsworthy as the Executrix of his Estate. Applicants state that only after obtaining that court order was Mrs. Norsworthy able to transfer the Decedent's interests in Varcomm to the Estate.

³ Applicants state that Ronald Roome continues to hold 19% of Varcomm and that the two other shareholders of Varcomm each own less than 10% of its equity and voting power. Applicants further state that Varcomm Broadband, Inc., a California corporation and wholly owned subsidiary of Varcomm, provides broadband services in Ducor, Kennedy Meadows, and Rancho Tehama Reserve, California.

Pursuant to the transfer, the 67% ownership interest held by the Estate in Varcomm gives the Estate control of Ducor. Applicants request streamlined treatment of the 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)(1)(ii) of the Commission's rules.⁴

Domestic Section 214 Application Filed for the Transfer of Control of
Ducor Telephone Company d/b/a Varcomm Holdings, Inc.,
WC Docket No. 20-353 (filed Oct. 29, 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 November 17, 2020**, and reply comments **on or before November 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).

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

⁴ 47 CFR § 63.03(b)(1)(ii).

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.

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⁵ See 47 CFR § 1.45(c).