



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

News Media Information 202 / 418-0500
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DA 20-1416
November 30, 2020

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF SOUTHERN KANSAS TELEPHONE COMPANY, INC. AND SKT, INC.
TO TWIN VALLEY MANAGEMENT, INC.**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-388

Comments Due: December 14, 2020

Reply Comments Due: December 21, 2020

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Southern Kansas Telephone Company, Inc. (Southern Kansas) and SKT, Inc. (SKT) on behalf of their current stockholders and Twin Valley Management, Inc. (TVM) (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 control of Southern Kansas and SKT to TVM.¹

Southern Kansas, a Kansas corporation, provides telecommunications services as an incumbent local exchange carrier (LEC) to approximately 2,494 access lines in south central and southeastern Kansas.² SKT, a Kansas corporation and an affiliate of Southern Kansas, provides competitive LEC services to approximately 710 access lines in south central and southeastern Kansas.

TVM, a Kansas corporation, operates as a holding company. TVM wholly owns Twin Valley Telephone, Inc. (TVT), a Kansas corporation that provides telecommunications services as an incumbent LEC to approximately 3,306 access lines in north central Kansas.³ TVC, a Kansas corporation and a wholly owned subsidiary of TVM, provides competitive LEC services to approximately 750 access lines in north central Kansas. TVM and its affiliates have no 10% or greater ownership interests in any other entity that offers domestic telecommunications services. The John G. Foster Trust No. 2, a Kansas Trust, holds a 26.57% interest in TVM. All of the John G.

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

² Southern Kansas provides incumbent LEC services in 13 local exchanges in the counties of Butler, Chautauqua, Cowley, Elk, Greenwood, Sedgwick, Sumner, and Wilson.

³ TVT provides incumbent LEC services in 19 local exchanges in the counties of Clay, Cloud, Dickinson, Geary, Lincoln, Mitchell, Pottawatomie, Republic, Riley, Saline, and Washington.

Foster Trust No. 2's trustees and beneficiaries are U.S. citizens.⁴ Applicants state that no other individual or entity owns or controls a 10% or greater interest in TVM.

Pursuant to the terms of the proposed transaction, TVM is purchasing 100% of the issued and outstanding stock of Southern Kansas and SKT. Both Southern Kansas and SKT will continue operating as wholly owned subsidiaries of TVM and as sister companies of TVT and TVC. Applicants state that TVT's service area does not overlap with or have any adjacent borders with the service areas of Southern Kansas or SKT. Applicants assert that a grant of the application would serve the public interest, convenience, and necessity. Because the transaction is more complex than usual, in order to analyze whether the proposed transaction would serve the public interest, this application will not be streamlined.⁵

Domestic Section 214 Application Filed for the Transfer of Control of
Southern Kansas Telephone Company, Inc. and SKT, Inc. to
Twin Valley Management, Inc., WC Docket No. 20-388 (filed Nov. 20, 2020).

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 December 14, 2020** and reply comments or oppositions to petitions **on or before December 21, 2020**. 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. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
 - Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail.⁶ All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

⁴ Applicants identified the John G. Foster Trust No. 2 trustees and beneficiaries in the Application.

⁵ 47 CFR § 63.03(c)(1)(v).

⁶ In response to the COVID-19 pandemic, the FCC has closed its current hand-delivery filing location at FCC Headquarters. We encourage outside parties to take full advantage of the Commission's electronic filing system. Any party that is unable to meet the filing deadline due to the building closure may request a waiver of the comment or reply comment deadline, to the extent permitted by law. *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, DA 20-304 (rel. Mar. 19, 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

- 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.

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) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) David Krech and Sumita Mukhoty, International Bureau, david.krech@fcc.gov; sumita.mukhoty@fcc.gov; and
- 4) 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 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.⁷ 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 Dennis Johnson at (202) 418-0809.

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⁷ See 47 CFR § 1.45(c).