



PUBLIC NOTICE

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

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DA 20-1464
December 8, 2020

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF
CERTAIN ASSETS OF VAL-ED JOINT VENTURE LLP D/B/A 702 COMMUNICATIONS
BY RED RIVER RURAL TELEPHONE ASSOCIATION D/B/A
RED RIVER COMMUNICATIONS**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-398

Comments Due: December 22, 2020
Reply Comments Due: December 29, 2020

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Val-Ed Joint Venture, LLP, d/b/a 702 Communications (702 Communications) and Red River Rural Telephone Association d/b/a Red River Communications (Red River) (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 approval for the acquisition of certain assets of 702 Communications by Red River.¹

702 Communications, a Minnesota limited liability partnership, provides service as a competitive local exchange carrier (LEC) in Fargo, West Fargo, and Wahpeton, North Dakota, and in Moorhead, Dilworth, and Breckenridge, Minnesota.² 702 Communications is owned by six rural incumbent LECs, or their affiliates, including Red River Technologies, Inc. (Red River Technologies), a North Dakota corporation and wholly owned subsidiary of Red River, which holds a 18.0948% member interest. The other five rural incumbent LECs holding an interest in 702 Communications are: Rothsay Telephone Company, Inc.; Otter Com, Inc.; Barnesville Telephone Company; Loretel Systems, Inc.; and East Otter Tail Telephone Company, Inc. (East Otter), each holding 18.0948%, with the exception of East Otter which holds 9.5262%.

Red River, a Minnesota cooperative in which no member holds a 10% or greater interest, provides service as a rural incumbent LEC in 13 exchanges in North Dakota, Minnesota, and South Dakota.³ These exchanges include the Abercrombie, Colfax, Fairmount, Great Bend, Hankinson,

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Applicants state that 702 Communications also provides wholesale bandwidth, long distance and fiber transport services, and other services related to regional transport and data networking. Applicants further state that both the Wahpeton and Breckenridge competitive LEC operations of 702 Communications (less than a 1,000 access lines) compete with CenturyLink, the incumbent LEC serving both those communities.

Lidgerwood, Mooreton, and Wyndmere exchanges in Richland County, North Dakota; the Rural Barnesville, Fairmount, Kent, and Rollag exchanges in Clay and Wilkin Counties, Minnesota; and the South Lidgerwood exchange in Roberts County, South Dakota. Red River's wholly owned subsidiary, Red River Technologies, provides competitive communications services in and around Red River's incumbent LEC service areas. Applicants state that Red River does not hold any other interests in a domestic telecommunications service provider.

Pursuant to the terms of the proposed transaction, Red River will purchase the assets used by 702 Communications to provide competitive LEC services within the Wahpeton, North Dakota and Breckenridge, Minnesota exchanges.⁴ 702 Communications will retain the assets used to provide its competitive LEC services in Fargo and West Fargo, North Dakota, and in Moorhead and Dilworth, Minnesota. 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.⁵ We accept this application for filing under section 63.03(b)(2)(ii) of the Commission's rules.⁶

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of
Val-Ed Joint Venture LLP d/b/a 702 Communications by
Red River Rural Telephone Association d/b/a Red River Communications,
WC Docket No. 20-398 (filed Nov. 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 December 22, 2020**, and reply comments **on or before December 29, 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:

³ Applicants state that Red River has approximately 3,500 members, none of whom directly or indirectly owns or controls 10% percent or more of its equity or voting power.

⁴ Applicants state that these assets include, among other things, the fiber optic and copper cabling and other equipment used to provide competitive LEC services within the exchanges, plus other tangible and intangible assets including customer accounts related to the competitive LEC business.

⁵ Applicants state that although some of Red River's North Dakota and Minnesota incumbent LEC exchanges are adjacent, respectively, to the Wahpeton and Breckenridge competitive LEC exchanges being sold by 702 Communications to Red River, their service areas do not overlap nor do Red River and 702 Communications compete with each other.

⁶ 47 CFR § 63.03(b)(2)(ii).

- 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 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 Gregory Kwan at (202) 418-1191.

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⁷ See 47 CFR § 1.45(c).