



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 20-1467
December 9, 2020

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF LAVACA TELEPHONE COMPANY, INC. TO DOBSON TECHNOLOGIES, INC.

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-389

Comments Due: December 23, 2020
Reply Comments Due: December 30, 2020

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Lavaca Telephone Company, Inc. d/b/a Pinnacle Communications (Lavaca) and Dobson Technologies, Inc. (Dobson) (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 Lavaca and its subsidiaries, Pinnacle Telecom, LLC (Pinnacle) and Vantage Telecom LLC d/b/a Pinnacle Telecom (Vantage) (Lavaca, Pinnacle, and Vantage, collectively, the Licensees), to Dobson.¹

Lavaca, an Arkansas corporation, provides service as an incumbent local exchange carrier (LEC) to approximately 1,748 access lines in the Lavaca exchange in rural western Arkansas and the Panama/Shady Point exchange in rural eastern Oklahoma. Pinnacle, an Arkansas limited liability company and wholly owned subsidiary of Lavaca, is authorized to provide service as a competitive LEC in Arkansas in areas where it has obtained interconnection agreements, and in limited areas in Oklahoma.² Pinnacle holds a 51% membership interest in Vantage, an Arkansas

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Application of Lavaca Telephone Company, Inc. and Dobson Technologies, Inc. for Grant of Authority Pursuant to Section 214 of the Communications Act of 1934, as amended, and Section 63.04 of the Commission's Rules to Transfer Control of the Domestic Section 214 Authorization Holders to Dobson Technologies, Inc., WC Docket No. 20-389 (filed Nov. 20, 2020). On December 4, 2020, Applicants filed a supplement to their domestic section 214 application. Letter from Joshua Bobeck, Counsel for Dobson Technologies, Inc., to Marlene H. Dortch, Secretary, FCC (Dec. 4, 2020) (on file in WC Docket No. 20-389). 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 that Pinnacle is limited initially to the service territories in Oklahoma of Southwestern Bell Telephone Company, d/b/a AT&T Oklahoma and Valor Communications of Texas, LP d/b/a Windstream Communications Southwest. Applicants also state that Pinnacle currently does not provide telecommunications services to any customers.

limited liability company, which provides service as a competitive LEC in Arkansas and Oklahoma, as well as wholesale telecommunications services in Missouri.

Dobson, an Oklahoma corporation, through its wholly owned subsidiaries, owns and operates a 4,000-mile fiber optic network in Oklahoma/Texas. Dobson Telephone Company (Dobson Telephone), an Oklahoma corporation and wholly owned subsidiary of Dobson, provides service as an incumbent LEC to approximately 7.291 access lines in western and eastern Oklahoma, including in the Taloga, Leedey, Cheyenne, Erick, Reydon, Camargo, Roger Mills, Vici, McLoud, Newalla, Sweetwater, and Stella exchanges. Dobson Technologies-Transport and Telecom Solutions, LLC (Dobson Transport), an Oklahoma limited liability company and wholly owned subsidiary of Dobson, provides fiber-based competitive LEC services in Oklahoma and Texas. Applicants state that, post consummation, the following Oklahoma limited partnership and Cayman Islands entity will hold a 10% or greater direct interest in Dobson: Dobson CC, L.P. (Dobson CC) (77.12% equity and 100% voting interest)³ and Eight Bar Financial Partners I, L.P. (Eight Bar) (22.88 equity interest).⁴ Applicants state that neither Dobson, nor any of its affiliates, hold a 10% or greater interest in any other domestic provider of telecommunications services.

Pursuant to the terms of the proposed transaction, Dobson will acquire all of the outstanding equity interests in the Licensees, including the membership interest in Vantage not currently held by Pinnacle. As a result, Applicants state that Lavaca will become a direct, wholly owned subsidiary of Dobson. Pinnacle and Vantage will remain subsidiaries of Lavaca and, therefore, will become indirect subsidiaries of Dobson, and Vantage will be wholly controlled by Pinnacle and indirectly by Dobson. Applicants assert that a grant of the application would serve the public interest, convenience, and necessity.⁵ 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.⁶

Domestic Section 214 Application Filed for the Transfer of Control of

³ The general partner for Dobson CC is RLD Inc., an Oklahoma corporation. Applicants state that the following two U.S. citizens hold indirect equity interests in Dobson through their direct limited partner interest in Dobson CC: Everett Dobson (38.94% equity interest in Dobson through her 50.49% interest in Dobson CC) and Stephen Dobson (29.78% equity in Dobson through his 38.61% interest of Dobson CC). Application at 8 and Exh. A. Applicants further state that Dobson CC holds a 32.34% indirect interest in Fort Mojave Telecommunications, Inc., an incumbent LEC serving the Fort Mojave Indian Tribe in Arizona, California, and Nevada.

⁴ The sole general partner for Eight Bar is Eight Bar Financial Partners GP, L.P. (Eight Bar GP), a Cayman Islands entity, and its general partner, in turn, is Eight Bar Partners HC, Inc. (Eight Bar HC), a Delaware corporation. Eight Bar HC is wholly owned by Thomas E. Doster IV, a U.S. citizen. Applicants state that Eight Bar GP, Eight Bar HC, and Mr. Doster each hold an indirect 22.88% voting interest in Dobson. The sole limited partner for Eight Bar is Collier Partners 701 LP Incorporated (CP 701) (holding a 99% limited partner interest in Eight Bar). The sole limited partner for CP 701 is CIP VII Holdings SPV, L.P. Incorporated (Holdings SPV), and its sole limited partner, in turn, is CIP VII Pooling SPV, L.P. Incorporated (Pooling SPV). Applicants state that CP 701, Holdings SPV, and Pooling SPV are all Guernsey entities and each hold an indirect 22.65% equity interest in Dobson. Pooling SPV is 93.19% owned by Collier International Partners VII L.P., also a Guernsey entity, which Applicants state holds a 21.10% indirect interest in Dobson.

⁵ Applicants note that Dobson serves a single cell site in Lavaca's incumbent LEC territory. In the markets served by Lavaca's competitive LEC affiliates, Pinnacle and Vantage, Dobson has fiber facilities in Poteau, Oklahoma, and Muskogee, Oklahoma.

⁶ 47 CFR § 63.03(c)(1)(v).

Lavaca Telephone Company, Inc. to Dobson Technologies, Inc.,
WC Docket No. 20-389 (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 23, 2020** and reply comments or oppositions to petitions **on or before December 30, 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.⁷ All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - 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.

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 and Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

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

⁷ 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>.

3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

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.⁸ 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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⁸ See 47 CFR § 1.45(c).