



# PUBLIC NOTICE

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

**News Media Information 202 / 418-0500  
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**DA 20-1521  
December 21, 2020**

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE  
TRANSFER OF CONTROL OF SENECA TELEPHONE COMPANY,  
OZARK TELEPHONE COMPANY,  
GOODMAN TELEPHONE COMPANY,  
CLEVELAND COUNTY TELEPHONE COMPANY,  
DECATUR TELEPHONE COMPANY,  
WYANDOTTE TELEPHONE COMPANY, AND  
S-GO LEASING COMPANY TO NEW FLORENCE TELEPHONE COMPANY**

**NON-STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 20-432**

**Comments Due: January 4, 2021  
Reply Comments Due: January 11, 2021**

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by W. Jay Mitchell, Brian J. Mitchell, and New Florence Telephone Company (New Florence) (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 Seneca Telephone Company (Seneca), Ozark Telephone Company (Ozark), Goodman Telephone Company (Goodman), Cleveland County Telephone Company (Cleveland), Decatur Telephone Company (Decatur), Wyandotte Telephone Company (Wyandotte), and S-GO Leasing Company (S-GO) (collectively, the Mitchell Companies) to New Florence.<sup>1</sup>

Mr. W. Jay Mitchell and Mr. Brian J. Mitchell, both U.S. citizens, own controlling interests in the Mitchell Companies, which all provide rural incumbent local exchange carrier (LEC) service, except for S-GO, which provides interexchange and broadband services in the exchanges of the other Mitchell Companies. Seneca serves 1,783 access lines in the Seneca and Tiff City exchanges in Missouri and eastern Oklahoma; Ozark serves 1,443 access lines in the Noel and Southwest City exchanges in southwest Missouri, eastern Oklahoma, and northwest Arkansas; Goodman serves 943 access lines in the Goodman and Lanagan exchanges in southwest Missouri; Cleveland serves 1,666

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<sup>1</sup> See 47 U.S.C. § 214; 47 CFR §§ 63.03-04; Application of W. Jay Mitchell and Brian J. Mitchell and New Florence Telephone Company for Consent for Transfer of Control, WC Docket No. 20-432 (filed Dec. 17, 2020) (Application). On December 21, 2020, Applicants filed a supplement to their domestic section 214 application. Letter from Richard A. Finnegan, Counsel for New Florence Telephone Company, to Marlene Dortch, Secretary, FCC, WC Docket No. 20-432 (filed Dec. 21, 2020) (*December 21 Supplement*) (on file in WC Docket No. 20-432).

access lines in the Kingsland, Rison, and Rowell exchanges in southeast Arkansas; Decatur serves 405 access lines in the Decatur exchange in northwest Arkansas; and Wyandotte serves 391 access lines in the Wyandotte exchange in eastern Oklahoma.

New Florence, a Missouri corporation, provides rural incumbent LEC service to 212 access lines in the New Florence exchange in Missouri. Oregon Telephone Corporation (OTC), an Oregon corporation that provides incumbent LEC service in Oregon, owns 100% of the equity of New Florence. Mr. Garrin Bott, a U.S. citizen, owns 100% of the equity of OTC. New Florence and OTC own multiple other rural incumbent LECs in several states, including Missouri.<sup>2</sup> Applicants state that the service territories of these other LECs are not adjacent to and do not overlap with the exchanges of the Mitchell Companies.

Pursuant to the terms of the proposed transaction, New Florence will acquire 100% of the capital stock of the Mitchell Companies. 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, we accept the Application for non-streamlined filing.<sup>3</sup>

Domestic Section 214 Application Filed for the Transfer of Control of  
Seneca Telephone Company, Ozark Telephone Company, Goodman Telephone Company,  
Cleveland County Telephone Company, Decatur Telephone Company, Wyandotte  
Telephone Company, and S-GO Leasing Company to New Florence Telephone Company,  
WC Docket No. 20-432 (filed Dec. 17, 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 January 4, 2021** and reply comments or oppositions to petitions **on or before January 11, 2021**. 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.<sup>4</sup> All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

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<sup>2</sup> See *December 21 Supplement* at 1-2 and Attach. 1 (Oregon Telephone Ownerships).

<sup>3</sup> 47 CFR § 63.03(c)(1)(v).

- 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](mailto: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](mailto:tracey.wilson@fcc.gov);
- 2) Jodie May, Competition Policy Division, Wireline Competition Bureau, [jodie.may@fcc.gov](mailto:jodie.may@fcc.gov); and
- 3) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto: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.<sup>5</sup> 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

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<sup>4</sup> 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>.

<sup>5</sup> See 47 CFR § 1.45(c).

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 Jodie May at (202) 418-0913.

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