



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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

DA 20-206

Released: February 28, 2020

DOMESTIC SECTION 214 APPLICATION FILED TO TRANSFER CONTROL OF JAGUAR COMMUNICATIONS, INC. TO PROVINCIAL REAL ESTATE HOLDINGS, LLC

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-47

DOMESTIC SECTION 214 APPLICATION FILED TO TRANSFER CONTROL OF JAGUAR COMMUNICATIONS, INC. TO JAMES T. WARD

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-48

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF ST. OLAF COLLEGE BY JAGUAR COMMUNICATIONS, INC.

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-49

Comments Due: March 13, 2020

Reply Comments Due: March 20, 2020

By this Public Notice, the Wireline Competition Bureau (WCB) seeks comment from interested parties on a series of applications filed by Jaguar Communications, Inc. (Jaguar) requesting approval for the completion of several transactions, pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules.¹ The transactions were consummated without prior authorization from the Commission.²

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. For the transactions at issue in WC Docket Nos. 20-47 and 20-48, Jaguar also filed applications for the transfer of authorizations associated with international services. Any action on the domestic section 214 applications is without prejudice to Commission action on other related, pending applications.

² On February 25, 2020, WCB granted requests by Jaguar for Special Temporary Authority for a period of 60 days to allow it to provide uninterrupted service to customers during the pendency of these applications. A grant of the applications would be without prejudice to any enforcement action by the Commission for non-compliance with the Act or the Commission's rules.

Transfer of control of Jaguar to Provincial Real Estate Holdings, LLC completed on January 8, 2013 (WC Docket No. 20-47)

On January 8, 2013, Provincial Real Estate Holdings, LLC (Provincial), a Minnesota limited liability company, acquired 100% of the shares of Jaguar. Jaguar, a Minnesota corporation, provides competitive local exchange carrier (LEC) services in Minnesota and is also authorized as an Eligible Telecommunications Carrier to provide lifeline-support residential telephone services to qualifying low-income residential consumers in Minnesota. At the time of closing of this transaction, the following U.S. citizens held a 25% interest in Provincial: James T. Ward, Mark E. Davis, M. Mitchell Davis, and Martin E. Davis.

Prior to January 8, 2013, Jaguar's shares were held by approximately 109 shareholders. According to Jaguar, in exchange for Provincial's assistance with restructuring and paying off certain of Jaguar's liabilities and in order to place Jaguar's future financing on more secure footing, Jaguar's Board of Directors voted to reorganize the company. Thus, on January 8, 2013, all of the outstanding shares of Jaguar were converted to non-voting shares, Provincial was issued 100% of the voting interests of Jaguar, and Provincial was issued 90% of the financial interests of Jaguar.

Jaguar asserts that this unauthorized transaction served the public interest, convenience, and necessity. It does not seek streamlined treatment of this application pursuant to the Commission's rules.³

Domestic Section 214 Application Filed for the Transfer of Control of
Jaguar Communications, Inc. to Provincial Real Estate Holdings, LLC
WC Docket No. 20-47 (filed Feb. 19, 2020).

Transfer of control of Jaguar from Provincial to James T. Ward completed on January 1, 2018 (WC Docket No. 20-48)

On January 1, 2018, James T. Ward acquired the ownership/voting interests in Provincial held by M. Mitchell Davis and Martin E. Davis, resulting in James T. Ward holding 75% of the ownership/voting interest of Provincial, the owner of Jaguar.⁴

Jaguar asserts that this unauthorized transaction served the public interest, convenience, and necessity. It does not seek streamlined treatment of this application pursuant to the Commission's rules.⁵

Domestic Section 214 Application Filed for the Transfer of Control of
Jaguar Communications, Inc. to James T. Ward, WC Docket No. 20-48 (filed Feb. 19, 2020).

³ 47 CFR § 63.03.

⁴ On February 27, 2020, WCB accepted for filing an application filed by James T. Ward, as the representative of all of the interest holders of Provincial, and MetroNet Holdings, LLC (MetroNet Holdings), pursuant to section 214 of the Act and sections 63.03-04 of the Commission's rules, requesting approval to transfer control of Jaguar to MetroNet Holdings, a competitive telecommunications provider operating in several states. *Domestic Section 214 Application Filed for the Transfer of Control of Jaguar Communications, Inc. to MetroNet Holdings, LLC*, WC Docket No. 20-37, Public Notice, DA 20-198 (WCB 2020).

⁵ 47 CFR § 63.03.

Acquisition of assets of St. Olaf College by Jaguar completed on December 31, 2014
(WC Docket No. 20-49)

On December 31, 2014, Jaguar acquired certain telecommunications assets of St. Olaf College (St. Olaf), a non-profit liberal arts college that held a certificate to provide competitive LEC services in Northfield Minnesota. St. Olaf previously served many of its own telecommunications needs through its own facilities. St. Olaf and Jaguar had entered into an Asset Purchase Agreement, dated October 15, 2014, pursuant to which Jaguar acquired certain telecommunications assets of St. Olaf. The agreement provided that after the assets were conveyed to Jaguar, Jaguar would continue to operate St. Olaf's telecommunications business and would provide services to the same exchanges as St. Olaf using the transferred assets.

Jaguar asserts that this unauthorized transaction served the public interest, convenience, and necessity. It does not seek streamlined treatment of this application pursuant to the Commission's rules.⁶

Domestic Section 214 Application Filed for the Acquisitions of Certain Assets of St. Olaf College by Jaguar Communications, Inc., WC Docket No. 20-49 (filed Feb. 19, 2020).

GENERAL INFORMATION

The applications identified herein have 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 **on or before March 13, 2020**, and reply comments **on or before March 20, 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. Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC, 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. All envelopes and boxes must be disposed of before entering the building.
 - 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.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC, 20554

In addition, e-mail one copy of each pleading to each of the following:

⁶ 47 CFR § 63.03.

- 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) Sumita Mukhoty, Policy Division, International Bureau, sumita.mukhoty@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) 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

⁷ See 47 CFR § 1.45(c).

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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