



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 20-33
January 9, 2020

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF VANTAGE TELECOM LLC TO PINNACLE TELECOM LLC**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 19-387

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

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application filed by James Larry Bone, K. Wayne King, Ross Morreale, the Bill and Debra Stuckey Family, the Conley Bone Family, and other members of Vantage Telecom LLC (Vantage), as well as Pinnacle Telecom LLC (Pinnacle), (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 for the unauthorized transfer of control that occurred on July 1, 2016 when Applicants transferred Vantage to Pinnacle without prior Commission approval.¹

Vantage, an Arkansas limited liability company, provides competitive local exchange carrier (LEC) services to approximately 1,200 access lines in western Arkansas and eastern Oklahoma, and also provides wholesale and other telecommunications services to retail service providers in south central Missouri.²

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants have also concurrently filed a request for special temporary authority to address the unauthorized transfer of control of Vantage to Pinnacle. Letter from Gerald J. Duffy, counsel to Applicants, to Marlene H. Dortch, Secretary, FCC (filed Dec. 19, 2019) (on file in WC Docket No. 19-387). On January 9, 2020, the Bureau granted Applicants' request for special temporary authority to authorize Vantage to continue providing service for 60 days pending approval of the domestic section 214 application. On December 27, 2019, January 2, 2020, and January 8, 2020, Applicants filed supplements to their domestic section 214 application. A grant of the application would be without prejudice to any enforcement action by the Commission for non-compliance with the Act or the Commission's rules.

² Specifically, Vantage provides competitive LEC services in and around the communities of Alma, Bentonville, Eureka, Springs, Fayetteville, Fort Smith, Rogers, Springdale and Van Buren in Benton, Carroll, Crawford, Sebastian, and Washington Counties of western Arkansas, as well as the communities of Fort Gibson, Hulbert, Sallisaw, and Tahlequah in the counties of Cherokee, Muskogee, Sequoyah and Wagoner in eastern Oklahoma. Vantage also provides wholesale voice and other telecommunications services to retail telecommunications service providers in and around Cassville, Exeter, Seligman, and Washburn in Barry County in south central Missouri.

Pinnacle, an Arkansas limited liability company, is wholly owned by Lavaca Telephone Company, Inc., d/b/a Pinnacle Communications (Lavaca). Lavaca is an incumbent LEC serving approximately 1,849 access lines in and around the communities of Lavaca in Sebastian County, Arkansas, as well as Panama and Shady Point in LeFlore County, Oklahoma. Pinnacle provides competitive LEC and other services within and outside Lavaca's incumbent LEC service areas. Applicants state that the following Arkansas trusts and U.S. citizen hold a 10% or greater interest in Lavaca: Michael Keith Gibson Trust (19.63%); Gibson Family Trust (19.63%); Gregory N. Gibson (19.63%); Tammy Nolan Trust (19.63%); Ruby Jo Gibson Living Trust (10.74%); and ByPass/QSST Trust (10.74%) (collectively the Lavaca Interest Holders). Applicants further state that each of the trustees and beneficiaries of the Lavaca Interest Holders are U.S. citizens.

Applicants now seek Commission approval for the July 1, 2016 unauthorized transfer that occurred when Pinnacle received a 51% membership interest in Vantage in exchange for certain fiber optic facilities and other assets. James Larry Bone, a U.S. citizen and former holder of a 41.45% interest in Vantage, now holds 20.31% of Vantage. Applicants state that neither Pinnacle, the Lavaca Interest Holders, nor Mr. Bone hold an interest in any other provider of domestic telecommunications services.

Applicants assert that Commission approval of the July 1, 2016 transfer of control would serve the public interest, convenience, and necessity. Applicants do not request streamlined treatment for the domestic section 214 application pursuant to section 63.03 of the Commission's rules.³

Domestic Section 214 Application Filed for the Transfer of Control of
Vantage Telecom LLC to Pinnacle Telecom LLC, WC Docket No. 19-387
(filed Dec. 20, 2019).

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 before January 23, 2020**, and reply comments or oppositions to petitions **on or before January 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. 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

³ 47 CFR § 63.03.

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

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

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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.⁴ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it

⁴ See 47 CFR § 1.45(c).

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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