



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
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DA 20-380
April 3, 2020

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF
CERTAIN ASSETS OF 3 RIVERS TELEPHONE COOPERATIVE, INC. BY
SIYEH COMMUNICATIONS**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-85

Comments Due: April 17, 2020
Reply Comments Due: April 24, 2020

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by 3 Rivers Telephone Cooperative, Inc. (3 Rivers) and Siyeh Communications (SiyCom) (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 3 Rivers in the Browning Exchange in Montana by SiyCom.¹

3 Rivers, a Montana cooperative, serves as an incumbent local exchange carrier (LEC) in 26 exchanges and as a competitive LEC in two exchanges in Montana. SiyCom, a Montana non-profit corporation, currently provides broadband services to approximately 179 subscribers on the Blackfeet Nation Reservation. SiyCom is wholly owned and chartered by Siyeh Corporation, a federally chartered for-profit corporation owned by the Blackfeet Nation. Siyeh Corporation is managed by a five-person board of directors, all Blackfeet Tribal citizens. Applicants state that neither Siyeh Corporation nor SiyCom hold a 10% or greater interest in any other domestic provider of telecommunications services.

Pursuant to the terms of the proposed transaction, SiyCom will acquire substantially all of the assets of 3 Rivers in the Browning Exchange in Montana, including, but not limited to, its telecommunications facilities, customer databases, and associated contracts. Applicants state that

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants have also filed a petition to waive the study area boundary of 3 Rivers in order to transfer the Browning Exchange to SiyCom. Joint Petition for Waiver of the Definition of Study Area Contained in Part 36, Appendix-Glossary of the Commission's Rules with Respect to the Transfer of the Browning, Montana Exchange, WC Docket No. 10-90; CC Docket No. 96-45 (filed Mar. 23, 2020). On March 28, 2020, Applicants filed a supplement to their domestic section 214 application. Any action on this domestic section 214 application is without prejudice to Commission action on other related pending applications or petitions.

the proposed transaction would serve the public interest because, among other reasons, the customers in the Browning Exchange are located exclusively on the Blackfeet Nation Reservation² and, therefore, would be served by the same Tribal-owned company that currently provides broadband services there. Because the transaction is more complex than usual, and in order to analyze whether the proposed transaction would serve the public interest, we accept the Application for non-streamlined processing.³

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of 3 Rivers Telephone Cooperative, Inc. by Siyeh Communications, WC Docket No. 20-85 (filed Mar. 23, 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 before April 17, 2020**, and reply comments or oppositions to petitions **on or before April 24, 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.⁴ 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.

² Applicants state that a small portion of the Browning Exchange includes territory located in Glacier County, Montana, but not on the Blackfeet Nation Reservation. Applicants state that 3 Rivers does not have any telecommunications facilities or customers in that non-Tribal territory of the Browning Exchange.

³ 47 CFR § 63.03(c)(1)(v).

⁴ 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).

- 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) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@fcc.gov;
- 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.⁵ 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 Myrva Charles at (202) 418-1506 or Gregory Kwan at (202) 418-1191.

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⁵ See 47 CFR § 1.45(c).