



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

News Media Information 202 / 418-0500
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DA 20-386
April 6, 2020

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF ONVOY, LLC BY GARDEN VALLEY TELEPHONE COMPANY

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-69

Comments Due: April 20, 2020
Reply Comments Due: April 27, 2020

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Onvoy, LLC (Onvoy) and Garden Valley Telephone Company (Garden Valley) (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 transfer of certain assets of Onvoy to Garden Valley.¹

Onvoy, a Minnesota limited liability company, is authorized to provide competitive local exchange carrier (LEC) and/or interexchange telecommunications services in the District of Columbia and every state except Alaska. Onvoy primarily provides wholesale services to other providers but also provides certain retail long distance services. Onvoy has provided long distance services under its "Garden Valley Long Distance" branded product to approximately 8,100 customers in, and adjacent to, Garden Valley's service area (the Onvoy/Garden Valley Customer Base).²

Garden Valley, a Minnesota cooperative, provides services as an incumbent LEC to 24 exchanges and as a competitive LEC to two exchanges in Northeastern Minnesota.³ Applicants state that, as a member-owned cooperative, no single member owns or controls more than 10% of Garden Valley. Applicants further state that Garden Valley is managed by a nine-person board of directors,

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed an application for the transfer of authorizations associated with international services. On April 2, 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.

² Under that arrangement, Onvoy defined the bundles and pricing of the services, while Garden Valley has been responsible for all customer interactions, branding, and billings.

³ Applicants provide in their application the specific exchanges in Northeastern Minnesota where Garden Valley provides services.

all U.S. citizens,⁴ and that Garden Valley does not hold a 10% or greater interest in any other provider of domestic telecommunications services.

Pursuant to the terms of the proposed transaction, Garden Valley will acquire all of Onvoy's rights, title, interest, and obligations to the long distance telephone service accounts related to the Onvoy/Garden Valley Customer Base. As a result, Garden Valley will become the long distance provider to customers located in, or adjacent to, the service territory of Garden Valley. Applicants assert that this transaction would serve the public interest, convenience, and necessity and do not seek streamlined treatment of this application pursuant to the Commission's rules.⁵

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Onvoy, LLC by Garden Valley Telephone Company, WC Docket No. 20-69 (filed Mar. 4, 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 April 20, 2020**, and reply comments or oppositions to petitions **on or before April 27, 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.⁶ All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

⁴ The board of directors are Byron V. Ness (President), Lee Hoaas, Arlene J. Novak (Vice President), James O. Ferden (Secretary), Casey Holland, Larry Djernes, Allen L. Paulson (Treasurer), Jerry T. Freitag, and Ron Kiesow.

⁵ 47 CFR § 63.03.

⁶ 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).

- 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) Greg Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@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.

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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.⁷ A party or interested

⁷ See 47 CFR § 1.45(c).

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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