



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 20-506
May 12, 2020

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF BUSH-TELL, INC.

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-112

Comments Due: May 26, 2020
Reply Comments Due: June 2, 2020

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by William Douglas DeVore (Mr. DeVore) and BHT Investments, LLC (BHTI) (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 Bush-Tell, Inc. (Bush-Tell) from Mr. DeVore to BHTI.¹

Bush-Tell, an Alaska corporation, provides services as an incumbent local exchange carrier (LEC) to 10 village exchanges in southwestern Alaska (approximately 555 access lines). Mr. DeVore currently owns 100% of Bush-Tell's issued and outstanding stock.

BHTI, a Wyoming limited liability company, is a holding company that does not directly provide any domestic telecommunications services. BHT Investment Holdings, LLC (BHTI Parent), a Wyoming limited liability company, is the parent company of BHTI and does not directly provide any telecommunications services. The following U.S. citizens and entities hold a 10% or greater interest in BHTI Parent: Neil Schlenker (30%); Kelly Fowler (30%); Colonnade Venture Partners, LLC (30%); LoLo Investments, LLC (10%).² BHTI is affiliated with Tri-County

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Application for Transfer of Control of Domestic Section 214 Authorization, WC Docket No. 20-112 (filed April 24, 2020) (Application). Applicants filed a supplement to the Application on May 1, 2020. Applicants also filed an application for the transfer of authorizations associated with wireless authorizations. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Eric Steinman, a U.S. citizen, holds over 75% of the equity and voting interest of Colonnade Venture Partners, LLC. Chris Davidson, a U.S. citizen, wholly owns LoLo Investments, LLC. Applicants state that, after consummation of the proposed transaction, no other individual or entity will hold a 10% or greater interest in Bush-Tell.

Telephone Association, Inc. (Tri County), a Wyoming corporation and incumbent LEC that provides service in four local exchanges (approximately 707 access lines) in Wyoming, and TCT West, Inc. (TCT), a Wyoming corporation and wholly owned subsidiary of Tri-County that provides incumbent LEC services and competitive LEC services within seven local exchanges (approximately 3,675 access lines) in northern Wyoming and southern Montana.³

Pursuant to the terms of the proposed transaction, Mr. DeVore will transfer 100% of the issued and outstanding stock of Bush-Tell to BHTI. The Applicants state that completion of the proposed transaction will give BHTI control of Bush-Tell. Applicants assert that the proposed transaction would serve the public interest, convenience, and necessity. Because the transaction is more complex than usual, and in order to analyze whether the proposed transaction would serve the public interest, the application will not be streamlined.⁴

Domestic Section 214 Application Filed for the Transfer of Control of Bush-Tell, Inc., WC Docket No. 20-112 (filed Apr. 24, 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 May 26, 2020**, and reply comments or oppositions to petitions **on or before June 2, 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.⁵ All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

³ Applicants provided a description of BHTI's other operating affiliates in the Application. Application at 7.

⁴ 47 CFR § 63.03(c)(1)(v).

⁵ 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,

- 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) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, kathy.harris@fcc.gov; and
- 4) 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

2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

their initial filings. New issues may not be raised in responses or replies.⁶ 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 Tracey Wilson at (202) 418-1394 or Dennis Johnson at (202) 418-0809.

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⁶ See 47 CFR § 1.45(c).