



PUBLIC NOTICE

Federal Communications Commission
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DA 20-83
January 16, 2020

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF
CERTAIN ASSETS OF SPENCER MUNICIPAL UTILITIES BY
PREMIER COMMUNICATIONS, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-2

Comments Due: January 30, 2020
Reply Comments Due: February 6, 2020

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Spencer Municipal Utilities (SMU) and Premier Communications, Inc. (Premier) (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 to transfer the Fostoria, Iowa telecommunications assets and customer base of SMU to Premier.¹

SMU, an Iowa municipal utility, provides competitive local exchange carrier (LEC) services and other services to residential and business customers in the Spencer exchange in Clay County, Iowa.² The town of Fostoria is located within the Spencer exchange in the northern-most portion of Clay County and includes approximately 40 access lines.

Premier, an Iowa company, provides competitive LEC services and other services to approximately 7,200 access lines in the rural Iowa exchanges of Akron, Boyden, Doon, Hull, Ireton, Rock Valley, Rock Rapids, LeMars, Orange City, George, Merrill, Arnolds Park, Lake Park, Sheldon, Ocheyedon, Milford, and Spirit Lake. Premier is wholly owned by Mutual Telephone

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants filed a supplement to their domestic application on January 16, 2020. Letter from John Kuykendall to Marlene H. Dortch, Secretary, FCC (filed Jan. 16, 2020) (on file in WC Docket No. 20-2). Applicants also filed an application for the transfer of authorizations associated with international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² SMU is a Lifeline-only competitive Eligible Telecommunications Carrier (ETC). Applicants state that Premier is a competitive ETC and will make the appropriate filing with the Iowa Utilities Board to expand its designated ETC serving area to include the town of Fostoria in order to continue the provision of Lifeline service to qualifying customers in that area.

Company of Sioux Center, Iowa d/b/a Premier Communications (Mutual), an Iowa rural incumbent LEC that currently serves approximately 3,600 access lines in the Sioux Center, Iowa exchange. Mutual also wholly owns the following incumbent LECs that provide service in Iowa: Northern Iowa Telephone Company, an Iowa corporation; Webb-Dickens Telephone Corporation (Webb-Dickens), an Iowa corporation; Heartland Telecommunications Company of Iowa, a Minnesota corporation; and Hospers Telephone Exchange, Inc., an Iowa corporation. Mutual is also affiliated with the following Iowa entities: FiberNet Communications L.C., providing transport and special access telecommunications services throughout northwest Iowa; FiberComm, L.C., providing competitive LEC services in the Sioux City, Iowa market; and Milford Communications, LLC (Milford), providing cable television and broadband services in Milford and Fostoria, Iowa.³ Applicants state that no individual or entity holds a 10% or greater interest in Mutual.

Pursuant to the terms of the proposed transaction, Premier proposes to: 1) acquire all physical and network assets and customers of SMU in the Fostoria, Iowa portion of the SMU Spencer, Iowa serving area; and 2) transfer all of the foregoing assets, with the exception of the Fostoria voice customer base, to Milford. The Fostoria voice customer base will remain with Premier. Applicants assert that the proposed transaction is entitled to streamlined treatment under the Commission's rules and that a grant of the application would serve the public interest, convenience, and necessity. We accept this application for filing under section 63.03(b)(2)(ii) of the Commission's rules.⁴

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of
Spencer Municipal Utilities by Premier Communications, Inc.,
WC Docket No. 20-2 (filed Jan. 6, 2020).

GENERAL INFORMATION

The transfer of assets identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before January 30, 2020**, and reply comments **on or before February 6, 2020**. Pursuant to section 63.52 of the Commission's rules, 47 CFR § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents using the Commission's Electronic Comment Filing System (ECFS): <http://apps.fcc.gov/ecfs/>.

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

³ Applicants state that the competitive LEC service territories of SMU and Premier are not adjacent and do not overlap. They state that the SMU Spencer exchange is adjacent to the Webb-Dickens exchanges, but that the Fostoria portion of the exchange is not adjacent to the Webb-Dickens exchanges.

⁴ 47 CFR § 63.03(b)(2)(ii).

- 1) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@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.

For further information, please contact Myrva Charles at (202) 418-1506 or Dennis Johnson at (202) 418-0809.

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