



PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>

DA 21-1057
August 27, 2021

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF
CERTAIN ASSETS OF NTS COMMUNICATIONS, LLC D/B/A VEXUS FIBER
BY POKA LAMBRO TELECOMMUNICATIONS, LTD.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 21-332

Comments Due: September 10, 2021

Reply Comment Due: September 17, 2021

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by NTS Communications, LLC d/b/a Vexus Fiber (Vexus) and Poka Lambro Telecommunications, Ltd. (Poka Lambro) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,¹ requesting consent to transfer certain assets of Vexus to Poka Lambro.²

Vexus, a Delaware limited liability company, is a competitive local exchange carrier (LEC) registered in Texas and Louisiana and provides competitive telecommunications services and other services in Texas, Louisiana, New Mexico, and Arizona. It is also an eligible telecommunications carrier (ETC) in Texas, providing Lifeline services to customers over fiber facilities in the west Texas communities of Brownfield, Lamesa, Ropesville, Wilson, and Meadow (West Texas Communities). Applicants state that Vexus provides interstate telecommunications services in these West Texas Communities in areas served by the incumbent LEC, Windstream Communications Southwest.³

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04.

² Joint Application for Consent to Transfer Control of Domestic Section 214 Authorization, WC Docket No. 21-332 (filed August 16, 2021) (Application). Applicants also filed applications 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, including any necessary approvals related to Applicants' compliance with the Commission's rules and requirements relating to Lifeline services and Emergency Broadband Benefit Services.

³ Applicants state that Vexus will continue to provide certain telecommunications services in Texas and other states after the conclusion of the proposed transaction.

Poka Lambro, a Texas corporation, provides telecommunications services and other services as a competitive LEC in Post, Tahoka, and Seagraves, Texas.⁴ Poka Lambro is a wholly owned subsidiary of Poka Lambro Telephone Cooperative, Inc. (PLTC). PLTC, a Texas cooperative and incumbent LEC, is wholly owned by its subscribers, none of which hold a 10% or greater equity ownership interest.

Pursuant to the terms of the proposed transaction, Poka Lambro will acquire the existing customers and substantially all the fiber facility assets of Vexus, including those used to provide service to Lifeline customers, in the West Texas Communities. Applicants state that Poka Lambro will provide competitive local exchange and long-distance services to customers in the West Texas Communities on substantially the same terms and conditions as previously provided by Vexus and exclusively in areas served by the incumbent LEC, Windstream Communications Southwest.

Applicants request streamlined treatment of the proposed transaction under the Commission's rules and assert that a grant of the application would serve the public interest, convenience, and necessity. We accept the application for filing under section 63.03(b)(2)(ii) of the Commission's rules.⁵

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of NTS Communications, LLC d/b/a Vexus Fiber by Poka Lambro Telecommunications, Ltd., WC Docket No. 21-332 (filed Aug. 16, 2021).

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 September 10, 2021**, and reply comments **on or before September 17, 2021**. 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:

- 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) David Krech, International Bureau, david.krech@fcc.gov; and
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

⁴ Applicants state that Poka Lambro is in the process of seeking designation as a Lifeline-only ETC from the Texas Public Utilities Commission.

⁵ 47 CFR § 63.03(b)(2)(ii).

People with Disabilities: We ask that requests for accommodations be made as soon as possible in order to allow the agency to satisfy such requests whenever possible. Send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

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.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 Myrva Charles at (202) 418-1506 or Dennis Johnson at (202) 418-0809.

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⁶ See 47 CFR § 1.45(c).