



PUBLIC NOTICE

Federal Communications Commission
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DA 21-124

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TRANSFER OF CONTROL OF DUCOR TELEPHONE COMPANY D/B/A VARCOMM TO ERIC N. VOTAW

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 21-26

Comments Due: February 19, 2021

Reply Comments Due: February 26, 2021

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application filed by the Estate of Galen Norsworthy, Isabel Lita Norsworthy Executrix (Norsworthy Estate) and Eric N. Votaw (together, 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 control of Ducor Telephone Company d/b/a Varcomm (Ducor) from the Norsworthy Estate to Mr. Votaw.¹

Varcomm Holdings Inc. (Varcomm), a California corporation, is the parent company of Ducor, a California corporation that provides incumbent local exchange service in three rural exchanges (approximately 985 total access lines) in Tulare County in south central California and Tehama County in northern California.² At the time of his death on May 9, 2020, Mr. Galen Norsworthy owned a controlling 67.42% interest in the stock of Varcomm.³ Mr. Votaw, a U.S. citizen, is the current Chief Executive Officer of Varcomm and Ducor and currently holds 7.87% of Varcomm stock. Mr. Votaw holds no interest in any other telecommunications provider.

Pursuant to the terms of the proposed transaction, Varcomm is redeeming the stock owned by the Norsworthy Estate (67.40%) and Ronald R. Roome (19%). As a result of the redemption, the Varcomm common stock currently owned by Mr. Votaw will constitute a controlling 55% interest in Varcomm. In addition, the Varcomm common stock currently owned by Ms. Jenifer Vellucci (currently a 5.71% stockholder), the Chief Financial Officer of Varcomm and Ducor and a U.S. citizen, will constitute a 45% interest in Varcomm.

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. 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. Applicants filed a supplement to their application on February 2, 2021.

² Varcomm Broadband, Inc., a California corporation, and wholly owned subsidiary of Varcomm, provides broadband services in Ducor, Kennedy Meadows, and Rancho Tehama Reserve, California.

³ Subsequent to his death, the Bureau approved an application for the involuntary transfer of control of Varcomm and Ducor to Isabel Lita Norsworthy as the Executrix of the Norsworthy Estate. *Notice of Domestic Section 214 Authorization Granted*, WC Docket No. 20-353, Public Notice, DA 20-1453 (WCB Dec. 4, 2020)

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 this application for filing under section 63.03(b)(1)(ii) of the Commission's rules.⁴

Domestic Section 214 Application Filed for the Transfer of Control of Ducor Telephone Company d/b/a Varcomm to Eric N. Votaw, WC Docket No. 21-26 (filed Jan. 26, 2021).

GENERAL INFORMATION

The transfer of control 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 February 19, 2021**, and reply comments **on or before February 26, 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) 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; and
- 3) 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.

⁴ 47 CFR § 63.03(b)(1)(ii).

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 Tracey Wilson at (202) 418-1394 or Dennis Johnson at (202) 418-0809.

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⁵ See 47 CFR § 1.45(c).