



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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

DA 21-1274
October 13, 2021

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF SOUTHWEST OKLAHOMA TELEPHONE COMPANY TO HILLIARY ACQUISITION OKLAHOMA, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 21-378

Comments Due: October 27 2021

Reply Comment Due: November 3, 2021

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application¹ filed by Southwest Oklahoma Telephone Company (SWOT) and Hilliary Acquisition Oklahoma, LLC (Hilliary) (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 consent to transfer control of SWOT to Hilliary.²

SWOT, an Oklahoma corporation, provides service as an incumbent local exchange carrier (LEC) in the counties of Harmon, Greer, and Jackson, Oklahoma.³

Hilliary, an Oklahoma limited liability holding company, does not itself provide telecommunications services and was formed to acquire SWOT.⁴ Hilliary is owned by Edward E. Hilliary, Jr., Dustin J. Hilliary, Michael J. Hilliary, and Douglas J. Hilliary, all U.S. citizens individually holding a 25% membership interest.⁵ Hilliary is affiliated with several companies that provide local exchange and interexchange services in Oklahoma, Texas, and Iowa.⁶ In Oklahoma,

¹ See Application of Southwest Oklahoma Telephone Company and Hilliary Acquisition Oklahoma, LLC for the Transfer of Control of Southwest Oklahoma Telephone Company, WC Docket No. 21-378 (filed Sept. 28, 2021),

<https://ecfsapi.fcc.gov/file/109280683703884/SWOT%20Domestic%20214%20Transfer%20Application%20FINAL.pdf> (Lead Application).

² See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed applications for the transfer of authorizations associated with international and wireless services. On October 8, 2021, Applicants filed a supplement to their domestic section 214 application (Supplement). Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

³ SWOT wholly owns Southwest Oklahoma Telecommunications, Inc. d/b/a Southwest Oklahoma Internet (SWOI), an Oklahoma corporation, which holds an international 214 authorization and also provides Internet services.

⁴ Lead Application at 2.

⁵ *Id.* Dustin J. Hilliary is the managing member of Hilliary. *Id.* at 6.

⁶ *Id.* Applicants provide further ownership information on each of Hilliary's affiliates that provide domestic telecommunications services in their application. *Id.* at 7-8. In addition, Applicants provide the states of incorporation for each of Hilliary's affiliates, each U.S. entities. Supplement at 1-2.

the affiliated companies are: Medicine Park Telephone Company, Inc., an incumbent LEC; Oklahoma Western Telephone Company, Inc., an incumbent LEC; Phoenix Long Distance, Inc., an interexchange carrier; Wichita Online, LLC, a competitive LEC and interexchange carrier; Oklahoma Fiber Network, LLC, an interexchange carrier; Southern Plains Cable, LLC, a competitive LEC and interexchange carrier; and Texhoma Fiber, LLC, an interexchange carrier.⁷ In Texas, the affiliated companies are: Tatum Telephone Company, Inc., an incumbent LEC; Electra Telephone Company, Inc., an incumbent LEC; and Border to Border Communications, Inc., an incumbent LEC.⁸ In Iowa, the affiliated company is Prairieburg Telephone Company, Inc., an incumbent LEC.⁹ Applicants state that the service areas of SWOT and the affiliated companies do not overlap and are not adjacent.¹⁰

Pursuant to the terms of the proposed transaction, Hilliary will purchase all outstanding shares of SWOT and, upon consummation, SWOT will become a wholly owned subsidiary of Hilliary.¹¹

Applicants request streamlined treatment of the proposed transaction under the Commission's rules and assert that a grant of the Lead Application would serve the public interest, convenience, and necessity.¹² We accept the Lead Application for filing under section 63.03(b)(2)(iii) of the Commission's rules.¹³

Domestic Section 214 Application Filed for the Transfer of Control of
Southwest Oklahoma Telephone Company to Hilliary Acquisition Oklahoma, LLC,
WC Docket No. 21-378 (filed Sept. 28, 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 October 27, 2021**, and reply comments **on or before November 3, 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.

⁷ Lead Application at 7-8.

⁸ *Id.* at 8.

⁹ *Id.* Applicants state that other than what is disclosed in the Lead Application, neither Hilliary nor any of its affiliates hold a 10% or greater interest in any other provider of domestic telecommunications services. Supplement at 2.

¹⁰ Lead Application at 9.

¹¹ *Id.* at 6. SWOI will remain a direct wholly owned subsidiary of SWOT and, therefore, will become an indirect wholly owned subsidiary of Hilliary. *Id.*

¹² *Id.* at 9-10.

¹³ 47 CFR § 63.03(b)(2)(iii).

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) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@fcc.gov;
- 3) David Krech, Telecommunications and Analysis Division, International Bureau, david.krech@fcc.gov; and
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

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.¹⁴ 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 Gregory Kwan at (202) 418-1191.

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¹⁴ See 47 CFR § 1.45(c).