



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 21-128
February 5, 2021

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF PRAIRIEBURG TELEPHONE COMPANY, INCORPORATED
TO HILLIARY ACQUISITION IOWA, LLC**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 21-30

Comments Due: February 19, 2021
Reply Comments Due: February 26, 2021

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Prairieburg Telephone Company, Incorporated (PTCI) and Hilliary Acquisition Iowa, LLC (Hilliary) (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 PTCI to Hilliary.¹

PTCI is a privately held Iowa corporation that provides local exchange telephone services as an incumbent local exchange carrier (LEC) for approximately 240 access lines in the Prairieburg, Iowa Exchange in Linn County, Iowa.

Hilliary is an Oklahoma holding company, owned by Edward E. Hilliary, Jr., Dustin J. Hilliary, Michael J. Hilliary, and Douglas J. Hilliary with each holding a 25% interest. Each interest holder is a United States citizen. Hilliary, and its owners, directly or indirectly hold ownership interests in the following entities that provide local exchange and interexchange services in Oklahoma: (1) Medicine Park Telephone Company, Inc., an incumbent LEC; (2) Oklahoma Western Telephone Company, Inc., an incumbent LEC; (3) Phoenix Long Distance, Inc., an interexchange carrier; (4) Wichita Online, LLC, a competitive LEC; (5) Southern Plains Cable, LLC, a competitive LEC; and (6) Texhoma Fiber, LLC, an interexchange carrier. Hilliary, and its owners, directly or indirectly hold ownership interests in the following entities that provide local exchange and interexchange services in Texas: (1) Tatum Telephone Company, Inc., an incumbent LEC; (2) Electra Telephone Company, Inc., an incumbent LEC, and (3) Border to Border

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04; Prairieburg Telephone Company, Incorporated and Hilliary Acquisition Iowa, LLC Application for Transfer of Control of Domestic Blanket Section 214 Authorizations, WC Docket No. 21-30 (filed Jan. 26, 2021) (Application). Applicants also filed applications for the transfer of control of international and wireless services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. -

Communications, Inc., an incumbent LEC. Applicants state that the service territories of Hilliary's incumbent LEC affiliates do not overlap and are not adjacent to the areas served by PTCL.

Pursuant to the terms of the proposed transaction, Hilliary's wholly owned subsidiary, PTCL Acquisition Corp., an Iowa Corporation, will merge with and into PTCL with PTCL being the surviving corporation in the merger. Pursuant to the merger, outstanding shares of PTCL immediately prior to the merger would be converted into the right to receive a cash amount per share, and outstanding shares of PTCL Acquisition Corp. will be converted into shares of PTCL. As a result, PTCL Acquisition Corp. will cease to exist, and PTCL will remain in existence as a wholly owned subsidiary of Hilliary immediately following the merger. Upon consummation, Hilliary will own 100% of PTCL.

Applicants assert that a grant of the Application would serve the public interest, convenience, and necessity. Because the transaction is more complex than those accepted for streamlined treatment, and in order to analyze whether the proposed transaction would serve the public interest, we accept the Application for non-streamlined filing.²

Domestic Section 214 Application Filed for the Transfer of Control of
Prairieburg Telephone Company, Incorporated to Hilliary Acquisition Iowa, LLC,
WC Docket No. 21-30 (filed Jan. 26, 2021).

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 **on or before February 19, 2021**, and reply comments **on or before February 26, 2021**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper.

- **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.³ All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - 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.

² 47 CFR § 63.03(c)(1)(v).

³ Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (March 19, 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>

U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, 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) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Christi Shewman, Competition Policy Division, Wireline Competition Bureau, christi.shewman@fcc.gov;
- 3) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov

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.⁴ 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 Christi Shewman at christi.shewman@fcc.gov.

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⁴ See 47 CFR § 1.45(c).