



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 21-1411
November 10, 2021

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF MIDSTATE TELEPHONE COMPANY LLC AND
MIDSTATE COMMUNICATIONS, INC.,
TO RESERVATION TELEPHONE COOPERATIVE**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 21-424

Comments Due: November 24, 2021
Reply Comments Due: December 1, 2021

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application, filed pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules, to transfer control of Midstate Telephone Company, LLC (Midstate Telephone Company) and Midstate Communications, Inc. (Midstate Communications) (together, Midstate Companies) to Reservation Telephone Cooperative (RTC) (RTC, together with Midstate Companies, Applicants).¹

Midstate Telephone Company,² a North Dakota limited liability company, is a rural incumbent local exchange carrier (LEC) serving approximately 2,000 customers in the Stanley, Medora, and Portal exchanges North Dakota. Midstate Communications,³ a North Dakota corporation, is a rural incumbent LEC serving approximately 1,000 customers in the Beach exchange in North Dakota. Midstate Telephone Company owns a 10% interest in North Dakota Long Distance (NDLD), which provides domestic interexchange service to subscribing Midstate Telephone Companies' customers.

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² The following U.S. entities and U.S. citizens hold a 10% or greater interest in Midstate Telephone Company: A. Gordon Wilhelmi Testamentary Trust; Wilhelmi Spousal Trust; Ryan Wilhelmi Living Trust; Tim Wilhelmi; and Tom Wilhelmi.

³ The following U.S. citizens and U.S. entities hold a 10% or greater interest in Midstate Communications: Ryan Wilhelmi; David Wilhelmi; Thomas J. Wilhelmi Irrevocable Trust; and Timothy J. Wilhelmi Irrevocable Trust.

RTC, a North Dakota cooperative, is a rural incumbent LEC serving approximately 11,000 customers in the following 20 exchanges in northwestern North Dakota: Alexander, Arnegard, Douglas, Emmet, Garrison, Keene, Kenmare, Makoti, Mandaree, Max, New Town, Norma, Parshall, Plaza, Roseglan, Ross, Ryder, Spencer, Squaw Gap, and Watford City. RTC owns a 10% interest in NDLD, which provides domestic interexchange service to subscribing RTC customers. Certain exchanges served by RTC are adjacent to areas served by Midstate Telephone Company and Midstate Communications. Applicants state that no single member owns or controls 10% of the equity interests of RTC, and that RTC is controlled by its Board of Directors, all of whom are U.S. citizens. No Board member or officer of RTC holds a 10% or greater interest in any other domestic telecommunications provider.

Pursuant to the terms of the stock purchase agreement, RTC proposes to acquire all the stock of Midstate Telephone Company and Midstate Communications from their current shareholders. As a result of the proposed transaction, RTC will directly own 100% of the equity interest of, and thus control, the Midstate Companies.

Applicants assert that a grant of the application would serve the public interest, convenience, and necessity. We accept this application for streamlined processing pursuant to our authority to afford streamlining to applications on a case-by-case basis.⁴

Domestic Section 214 Application Filed for the Transfer of Control of
Midstate Telephone Company, LLC and Midstate Communications, Inc. to
Reservation Telephone Cooperative, WC Docket No. 21-424 (filed Oct. 29, 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 November 24, 2021**, and reply comments **on or before December 1, 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; and
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

⁴ See *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, Report and Order, 17 FCC Rcd 5517, 5531-32, 5535, paras. 28, 34 (2002); 47 C.F.R. § 63.03(a).

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

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⁵ See 47 CFR § 1.45(c).