



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 21-1416

Released: November 10, 2021

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE
ACQUISITION OF ASSETS OF
CONSOLIDATED COMMUNICATIONS OF OHIO COMPANY, LLC
BY HANSON COMMUNICATIONS OF OHIO, LLC**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 21-399

Comments Due: November 24, 2021

Reply Comment Due: December 1, 2021

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application filed by Consolidated Communications of Ohio Company, LLC (Consolidated Ohio) and Hanson Communications of Ohio, LLC (Hanson) (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 substantially all the assets of Consolidated Ohio to Hanson.¹

Consolidated Ohio, a Delaware limited liability company, operates as an incumbent local exchange carrier (LEC) in the Ohio study areas of the Columbus Grove Telephone Company, The Germantown Independent Telephone Company, and the Orwell Telephone Company.² Consolidated Ohio serves approximately 3,864 customer access lines in parts of Allen, Ashtabula, Butler, Geauga, Hancock, Henry, Montgomery, Putnam, Trumbull, and Warren Counties in Ohio.³

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Domestic Section 214 Application Filed for the Acquisition of Assets of Consolidated Communications Of Ohio Company, LLC by Hanson Communication Of Ohio, LLC, WC Docket No. 21-399 (filed Oct. 14, 2021) <https://ecfsapi.fcc.gov/file/101416789077/HCI-Consolidated%20214%20Application.pdf> (Application). Applicants filed a supplement to their application on November 4, 2021. Letter from Benjamin Dickens, Jr. and Salvatore Taillefer, Jr., Counsel for Hanson Communications of Ohio, LLC, and Richard Cameron, Counsel for Consolidated Communications, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 21-399 (filed Nov. 4, 2021) (Supplement). Applicants also filed an application for the assignment of international authorizations. Any action on the domestic 214 application is without prejudice to Commission action on other pending applications.

² Application at 1-2, 6.

³ *Id.* at 6. Applicants state that Consolidated Ohio's predecessors in interest accepted Connect America Fund Phase II universal service support, and that Consolidated Ohio was required to offer voice and broadband

Hanson, a privately held Ohio limited liability company, is wholly owned by Hanson Communications, Inc. (HCI), a Minnesota holding company.⁴ HCI's eight incumbent LEC operating companies serve approximately 10,061 access lines and provide broadband connections to approximately 15,357 customers in Minnesota, Nebraska, South Dakota, and Ohio.⁵ Applicants state that Hanson's competitive LEC subsidiary, TSC Communications, Inc., provides service to certain customers in Consolidated Ohio's incumbent LEC service area.⁶ The following U.S. citizens hold a 10% or greater interest in HCI: Bruce Hanson (22.04%); Mark Hanson (24.65%); and Susan Anderson (22.04%).⁷

Pursuant to the terms of an Asset Purchase Agreement, Consolidated Ohio has agreed to sell to HCI, and HCI has agreed to purchase, substantially all of the assets, property, and rights of Consolidated Ohio.⁸ Following the closing of the proposed transaction, the assets, property, and rights currently held by Consolidated Ohio will be owned and operated by Hanson.⁹

Applicants assert that a grant of the Application would serve the public interest, convenience, and necessity.¹⁰ Hanson states that it is "focused on upgrading and expanding existing Internet access service with infrastructure capable of up to one gigabit-per-second" and that "it anticipates making gigabit service available to approximately 75% of customers within the first five years."¹¹ Further, Hanson "acknowledges and affirmatively assumes the commitments, responsibilities, and liabilities agreed to by Consolidated Ohio as a recipient of Connect America Fund (CAF) Phase II support, effective as of the closing of the proposed transaction."¹²

Because of the overlap that Applicants have identified between the competitive LEC operations of Hanson and the incumbent LEC operations of Consolidated Ohio, this Application is

service to 1,247 locations in Ohio for annual support of \$420,997. *Id.* at 6 (citing *Wireline Competition Bureau Authorizes Fairpoint to Receive Over \$37 Million in Connect America Phase II Support in 14 States*, WC Docket No. 10-90, Public Notice, 30 FCC Rcd 8435 (WCB 2015)).

⁴ Application at 4-5.

⁵ *Id.* at 5. HCI's incumbent LEC subsidiaries are Clara City Telephone Company, Sacred Heart Telephone Company, Fort Randall Telephone Company d/b/a Mt. Rushmore Telephone Company, Starbuck Telephone Company, Telephone Service Company, The Middle Point Home Telephone Company, and Zumbrota Telephone Company. Application at Exhibit B (Hanson Communications, Inc. ILEC Affiliate Chart).

⁶ Supplement at 4.

⁷ *Id.* at 2-3. Applicants state that the remaining 31.23% (approximately) is held by "ten individual qualified subchapter S trusts with ten individual family-member beneficiaries, each in the amount of 3.12% equity." Supplement at 3. Each beneficiary is a U.S. citizen, and Maria J. Hanson, a U.S. citizen, is the trustee for five of the trusts, and Douglas Anderson, a U.S. citizen, is the trustee for the other five trusts. Supplement at 3.

⁸ Application at 7.

⁹ *Id.* at 7.

¹⁰ *Id.* at 8-11, 17.

¹¹ Supplement at 2-3.

¹² *Id.* at 3.

not entitled to presumptive streamlined treatment.¹³ We accept the Application for non-streamlined processing.

Domestic Section 214 Application Filed for the Acquisition of Assets of
Consolidated Communications of Ohio Company, LLC
by Hanson Communications of Ohio, LLC, WC Docket No. 21-399 (filed Oct. 14, 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 November 24, 2021**, and reply comments **on or before December 1, 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.¹⁴ 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. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

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.

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;

¹³ 47 CFR § 63.03(b)(2)(ii).

¹⁴ 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, 35 FCC Red 2788 (OS 2020).

- 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.

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.¹⁵ 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.

-FCC-

¹⁵ See 47 CFR § 1.45(c).