



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 21-1528
December 8, 2021

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE
TRANSFER OF CONTROL OF UNITEK, INC.
TO DIRECT COMMUNICATIONS ROCKLAND, INC.**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 21-460

Comments Due: December 22, 2021

Reply Comment Due: December 29, 2021

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Laurie L. Osgood (Osgood), Direct Communications Rockland, Inc. (Direct Communications), UniTek, Inc. (UniTek), UniTel, Inc. (UniTel) and UniCap, Inc. (UniCap) (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 UniTel and UniCap through the transfer of ownership of their existing parent, UniTek, from Osgood to Direct Communications.¹

UniTek, a holding company, is the direct parent company and owner of 100% of the stock of Licensees UniTel and UniCap (all Maine corporations).² UniTel, a rural incumbent local exchange carrier (LEC), provides telecommunications services to approximately 2,855 access lines in Kennebec, Penobscot, and Waldo Counties in central Maine.³ UniCap, a reseller of interexchange long distance services, provides services in the service area of UniTel.⁴ Osgood, a citizen of the United States, in her capacity as trustee of Osgood Trust, owns 100% of the stock of UniTek.⁵

Direct Communications, an Idaho corporation, is an incumbent LEC in Idaho.⁶ Direct Communications has a direct ownership interest in Star Telephone, Inc. (Star) (100%), an incumbent LEC in Louisiana, and Direct Communications Cedar Valley, LLC (DCCV) (62.50%), an incumbent LEC in Utah.⁷ DCCV wholly owns Rico Telephone Company (Rico), an incumbent

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Application for Authorization Pursuant to Section 214 of the Communications Act of 1934 for Transfer of Control, WC Docket 21-460 (filed Nov. 22, 2021) (Application). Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Application at 4.

³ *Id.* at 7.

⁴ *Id.*

⁵ *Id.* at 4.

⁶ *Id.* at 5, 8.

⁷ *Id.* at 8.

LEC in Colorado.⁸ Direct Management Company, LLC (DMC) has a 100% direct ownership of Direct Communications by means of common stock voting interest.⁹ DMC's Members have an indirect ownership interest in Direct Communications by and through their DMC membership.¹⁰ The DMC members are the following U.S. citizens: Timothy May (41.50%); Scott Hendrickson (18.50%); Jeremy Smith (18.50%); and Kip Wilson (18.50%).¹¹

Pursuant to the terms of the proposed transaction, Direct Communications will acquire all of the stock of UniTek from Osgood.¹² As a result, UniTek will be a direct, wholly owned subsidiary of Direct Communications.¹³ UniTel and UniCap will continue to be wholly owned by UniTek and, thus, will become indirect, wholly owned subsidiaries of Direct Communications.¹⁴

Applicants assert that a grant of the Application would serve the public interest, convenience, and necessity.¹⁵ Because the transaction is more complex than usual, in order to analyze whether the proposed transaction would serve the public interest, this Application will not be streamlined.¹⁶

Domestic Section 214 Application Filed for the Transfer of Control of
UniTek, Inc. to Direct Communications Rockland, Inc.,
WC Docket No. 21-460 (filed Nov 22, 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 and petitions **on or December 22, 2021** and reply comments or oppositions to petitions **on or before December 29, 2021**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Electronic Filers: Comments may be filed electronically by accessing ECFS at <http://apps.fcc.gov/ecfs/>.

⁸ *Id.*

⁹ *Id.* at 5.

¹⁰ *Id.*

¹¹ *Id.* at 5-6.

¹² *Id.* at 6.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 10-11.

¹⁶ 47 CFR § 63.03(c)(1)(v).

- *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.¹⁷ 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.

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) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) David Krech, Telecommunications and Analysis Division, International Bureau, daivd.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

¹⁷ In response to the COVID-19 pandemic, the FCC has closed its current hand-delivery filing location at FCC Headquarters. We encourage outside parties to take full advantage of the Commission’s electronic filing system. Any party that is unable to meet the filing deadline due to the building closure may request a waiver of the comment or reply comment deadline, to the extent permitted by law. *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, DA 20-304 (rel. Mar. 19, 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

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.¹⁸ 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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¹⁸ See 47 CFR § 1.45(c).