



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-02190

International Authorizations Granted

Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)

The following applications have been granted pursuant to the Commission's processing procedures set forth in sections 63.12, 63.20 of the Commission's rules, 47 CFR §§ 63.12, 63.20, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing the applications as accepted for filing.

Unless otherwise noted, these grants authorize the applicants: (1) to become a facilities-based international common carrier subject to 47 CFR §§ 63.21, 63.22; and/or (2) to become a resale-based international common carrier subject to 47 CFR §§ 63.21, 63.23; (3) to assign or transfer control of international section 214 authority in accordance with 47 CFR § 63.24; or (4) to exceed the foreign ownership benchmarks applicable to common carrier radio licensees under 47 U.S.C. § 310(b); see Subpart T of Part 1 of the Commission's rules, 47 CFR §§ 1.5000-5004.

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, in regard to the grant of any of these applications may be filed within thirty days of this public notice (see 47 CFR § 1.4(b)(2)).

Transfer of Control

Grant of Authority

Date of Action: 05/20/2022

Current Licensee: Tularosa Communications, Inc.**FROM:** Elizabeth Silkwood**TO:** Kristann Mattes

An application has been filed for consent to the transfer of control of Tularosa Communications, Inc. (TCI), a New Mexico corporation that holds an international section 214 authorization (ITC-214-20000824-00503), from Elizabeth Luanne Silkwood (Ms. Silkwood) to Kristann S. Mattes (Ms. Mattes). TCI is a wholly owned subsidiary of Tularosa Basin Telephone Company, Inc. (TBTC), a New Mexico corporation. TBTC is 50% owned by Stageline Communications, Inc. (Stageline), a California corporation, and 50% by Dell Telephone Cooperative, Inc. (Dell), a Texas corporation, with each having negative control of TBTC and consequently negative control of TCI. Stageline is wholly owned by Ponderosa Communications, Inc. (PCI), a California corporation. Dell is a rural telephone cooperative and none of Dell's member-customers directly or indirectly hold or control 10% or greater equity or voting interests in Dell.

Ms. Silkwood had de facto control of PCI and its subsidiaries and affiliates, and thus negative control of TCI, at the time of her death on December 22, 2021. She controlled 61.81% of PCI's shares through: (1) direct ownership of 29.44% of PCI shares; (2) as trustee or co-trustee of family trusts that held 29.57% of PCI shares; and (3) 50% control of Silkwood Ventures, LLC, which controls 2.80% of PCI shares.

Ms. Mattes, a U.S. citizen and sole surviving child of Ms. Silkwood, was appointed as the executrix of Ms. Silkwood's estate and as successor to Ms. Silkwood as trustee of several family trusts organized in California. As executrix, Ms. Mattes has de facto control of PCI and negative control of TCI through: (1) direct ownership of 4.98% of PCI shares; (2) control as executrix of the 29.44% of PCI shares held in Ms. Silkwood's estate; (3) control as trustee of the 23.52% of PCI shares held by family trusts for which she succeeds Ms. Silkwood as trustee; and, (4) control as co-trustee of a trust that contains the membership interests of a limited liability company that owns 2.80% of PCI shares. Thus, Ms. Mattes will own directly or control as executrix or trustee a total of 60.74% of the PCI shares.

According to the Applicants, after the probate of Ms. Silkwood's estate is completed and the PCI shares are distributed in accordance with the terms of the applicable will provisions and trust documents, Ms. Mattes, as the primary beneficiary of Ms. Silkwood's will and the various family trusts, will own more than 50.1% of the voting shares of PCI and her de facto control of PCI will evolve into de jure control of PCI and negative control of TCI. Specifically, Ms. Mattes will: (1) continue to directly own 4.98% of PCI shares; (2) own the 15.72% of PCI shares held by the Else B. Bigelow-Jesse E. Bigelow Trust that will be distributed outright to Ms. Mattes; and (3) solely own Silkwood Ventures, LLC which holds 2.80% of PCI shares. In addition, the 29.44% of PCI shares formerly held by Ms. Silkwood will either be distributed outright to Ms. Mattes or will be placed in the Kristann Silkwood Mattes GST Trust (GST Trust) for which Ms. Mattes and Matthew C. Wagner, both U.S. citizens, will be co-trustees. The 6.05% of PCI shares held by the Jesse E. Bigelow Residual Trust will either be distributed outright to Ms. Mattes or will be placed in the GST Trust. Finally, the 7.80% of PCI shares held by The Robert L. Silkwood Trusts may be distributed outright to Ms. Mattes or, subject to a qualified disclaimer, to her children Robert J. Mattes and Shyann E. Mattes.

The Applicants further state that Franklin E. Bigelow and Mary Costales, both U.S. citizens, each directly hold 2.02% of the PCI shares and are the trustee or co-trustees of fifteen separate family trusts that hold a cumulative 24.20% of the PCI shares. According to the Applicants, no other individual or entity will hold a direct or indirect 10% or greater equity or voting interest in PCI or TCI.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

Transfer of Control

Grant of Authority

Date of Action: 05/23/2022

Current Licensee: HRS Internet, LLC**FROM:** Midwest Fiber Acquisition LLC**TO:** Midwest Fiber Acquisition LLC

On April 28, 2022, a notification was filed of the pro forma transfer of control of HRS Internet, LLC (HRS Internet), an Indiana limited liability company that holds an international section 214 authorization (ITC-214-20080612-00268), effective April 1, 2022. HRS Internet is a wholly owned subsidiary of Everstream Solution LLC (Everstream), an Ohio limited liability company, which is a wholly owned subsidiary of Midwest Fiber Acquisition LLC (Midwest), a Delaware limited liability company. In a corporate restructuring, two intermediate subsidiaries were inserted between Midwest and its parent, Midwest Fiber Holdings LP (Midwest Fiber Holdings), a Delaware limited partnership. Specifically, Midwest is now a direct wholly owned subsidiary of Midwest Fiber Acquisition Midco1 LLC, which is a direct wholly owned subsidiary of Midwest Fiber Acquisition Topco LLC (Midwest Fiber Acquisition), both Delaware limited liability companies. Midwest Fiber Acquisition is a direct wholly owned subsidiary of Midwest Fiber Holdings. HRS Internet remains an indirect wholly owned subsidiary of Midwest Fiber Holdings.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is at the end of this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://transition.fcc.gov/ib/pd/pf/exclusionlist.html>. It also will be attached to each Public Notice that grants international Section 214 authority.

(2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.

(3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.

(4) A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 CFR § 63.23(d).

(5) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 CFR § 63.14.

(6) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 CFR Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.

(7) International facilities-based service providers must file and maintain a list of U.S.-international routes on which they have direct termination arrangements with a foreign carrier. 47 CFR § 63.22(h). A new international facilities-based service provider or one without existing direct termination arrangements must file its list within thirty (30) days of entering into a direct termination arrangement(s) with a foreign carrier(s). Thereafter, international facilities-based service providers must update their lists within thirty (30) days after adding a termination arrangement for a new foreign destination or discontinuing an arrangement with a previously listed destination. See Process For The Filing Of Routes On Which International Service Providers Have Direct Termination Arrangements With A Foreign Carrier, ITC-MSC-20181015-00182, Public Notice, 33 FCC Rcd 10008 (IB 2018).

(8) Any U.S. Carrier that owned or leased bare capacity on a submarine cable between the United States and any foreign point must file a Circuit Capacity Report to provide information about the submarine cable capacity it holds. 47 CFR § 43.82(a)(2). See <https://www.fcc.gov/circuit-capacity-data-us-international-submarine-cables>.

(9) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service.

(10) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(11) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.

(12) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

(13) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 CFR §§ 1.20000 et seq.

(14) Every carrier must designate an agent for service in the District of Columbia. See 47 U.S.C. § 413, 47 CFR §§ 1.47(h), 64.1195.

Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 CFR § 63.18(e)(1). Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See 47 CFR § 63.22(c).

Countries:

None.

Facilities:

Any non-U.S.-licensed space station that has not received Commission approval to operate in the U.S. market pursuant to the procedures adopted in the Commission's DISCO II Order, IB Docket No. 96-111, Report and Order, FCC 97-399, 12 FCC Rcd 24094, 24107-72 paragraphs 30-182 (1997) (DISCO II Order). Information regarding non-U.S.-licensed space stations approved to operate in the U.S. market pursuant to the Commission's DISCO II procedures is maintained at <https://www.fcc.gov/approved-space-station-list>.

This list is subject to change by the Commission when the public interest requires. The most current version of the list is maintained at <https://www.fcc.gov/exclusion-list-international-section-214-authorizations>.

For additional information, contact the International Bureau's Telecommunications and Analysis Division, (202) 418-1480.