



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 22-840
Released: August 9, 2022

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF ILLINOIS FIBER CONNECT, LLC
TO INDEPENDENT TELCOM ASSOCIATES, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 22-282

Comments Due: August 23, 2022
Reply Comment Due: August 30, 2022

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by EJ Water Cooperative, Inc. (EJW) and Independent Telcom Associates, Inc. (ITA) (together, 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 EJW's interest in Illinois Fiber Connect, LLC (IFC) to ITA.¹

IFC is an Illinois limited liability company currently owned by EJW (49%), an Illinois-based water company, and ITA (51%), an Illinois corporation wholly-owned by Wabash Telephone Cooperative, Inc. d/b/a Wabash Communications Group (WTC), an incumbent local exchange carrier (LEC) serving nine exchanges in Clay, Wayne, Edwards, and Effingham Counties in Illinois.² IFC is an Eligible Telecommunications Carrier and provides service as a competitive LEC in Cumberland, Effingham, and Shelby counties, in Illinois.³

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Joint Application for Authority Pursuant to Section 214 of the Communications Act of 1934, As Amended, to Transfer Control of Illinois Fiber Connect, LLC to Independent Telcom Associates, Inc., WC Docket No. 22-282 (filed July 22, 2022) (Application). On August 5, 2022, Applicants filed a supplement to their domestic section 214 application.

² ITA provides Internet and video services over WTC's network. Applicants state that WTC is owned by its member-subscribers and that no single member-subscriber owns or controls 10% or more of the equity interests of WTC. WTC directly wholly-owns Wabash Independent Networks, Inc., (WIN), an Illinois corporation and competitive LEC serving several counties in Illinois. WIN provides Internet and video, but not voice service, in the exchanges served by WTC. WIN indirectly wholly-owns Montrose Mutual Telephone Company, an Illinois corporation and rural incumbent LEC, serving portions of Effingham, Jasper, and Cumberland counties in four exchanges. Applicants state that there are no overlaps between the competitive LEC area served by IFC and the incumbent LEC areas of WTC and MMTC, except that there is one customer in the MMTC service area that is temporarily an IFC customer.

³ IFC receives Connect America Fund Phase II (Auction 903) support to serve locations in Illinois. See *Connect America Fund Phase II Auction Support Authorized for 1,031 Winning Bids*, WC Docket No. 10-90,

Pursuant to the terms of the proposed transaction, ITA will acquire EJW's 49% interest in IFC, and, thus, post-consummation, IFC will be wholly-owned by ITA.⁴ Applicants request streamlined treatment of the proposed transaction under the Commission's rules and assert that a grant of the Application would serve the public interest, convenience, and necessity.

We accept the Application for streamlined filing under section 63.03(b)(2)(ii) of the Commission's rules.⁵

Domestic Section 214 Application Filed for the Transfer of Control of Illinois Fiber Connect, LLC to Independent Telecom Associates, Inc, WC Docket No. 22-282 (filed July 22, 2022).

GENERAL INFORMATION

The transfer of assets 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 August 23, 2022**, and reply comments **on or before August 30, 2022**. 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) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@fcc.gov;
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

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

AU Docket No. 17-182, Public Notice, 34 FCC Rcd 8009, Attach. A (Authorized Long-Form Applicants and Winning Bids) (WCB 2019).

⁴ Applicants state that ITA is the managing member of IFC, and that EJW currently exercises certain factors that indicate control of IFC. They state that, following the consummation of the proposed transaction, EJW will no longer participate in major management decisions of IFC nor have "unfettered use" of IFC's facilities and equipment in the area where EJW provides its utility services. Application at 3.

⁵ 47 CFR § 63.03(b)(2)(ii).

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.⁶ 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 Gregory Kwan at (202) 418-1191.

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⁶ See 47 CFR § 1.45(c).