



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 22-866
Released: August 18, 2022

**DOMESTIC SECTION 214 APPLICATION FILED FOR
THE ACQUISITION OF CERTAIN ASSETS OF
WIN, LLC BY WISCONSIN TELCOM SWITCHING, LLC**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 22-285

Comments Due: September 1, 2022
Reply Comment Due: September 8, 2022

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by WIN, LLC f/k/a Wisconsin Independent Network, LLC (WIN) and Wisconsin Telcom Switching, LLC (WTS) (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 a portion of WIN's business and facilities to WTS.¹

WIN, a Wisconsin limited liability company, is certified as a competitive local exchange carrier (LEC) in Wisconsin and provides service to interexchange carrier customers that purchase switching and transport services from WIN. WIN also provides Internet access and other services in Wisconsin, Minnesota, Michigan, Iowa, and Illinois. WIN is wholly-owned by Communications Management Group, LLC (CMG), a Wisconsin limited liability company, which is wholly-owned by 31 Wisconsin-based rural incumbent LECs, including four incumbent LECs that own WTS.

WTS is a newly-formed Wisconsin limited liability company and does not itself provide telecommunications services. It is owned in equal 25% member interests by the following four Wisconsin rural incumbent LECs: (1) Amery Telephone Company, Inc. d/b/a Northwest Communications (Northwest); (2) Farmers Independent Telephone Company d/b/a Grantsburg Telcom (Farmers); (3) Lakeland Communications Group, LLC (Lakeland); and (4) Wittenberg

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. WIN, LLC and Wisconsin Telcom Switching, LLC Application for Assignment of Domestic Section 214 Authorization, WC Docket No. 22-285 (filed July 29, 2022) (Application). Applicants filed a supplement to their application on August 11, 2022. Letter from Gerry J. Duffy, Counsel to WIN, LLC and Wisconsin Telcom Switching, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 22-285 (filed on Aug. 11, 2022). Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

Telephone Company d/b/a Cirrinity (Cirrinity).² Each of the four WTS member companies owns and will continue to own a non-controlling 3.2258% member interest in WIN post-transaction.

Pursuant to the terms of the proposed transaction, WIN is selling to WTS the “Metaswitch hardware and software, and other tangible and intangible elements of the host switching and access tandem switching service business that it operates as a [competitive] LEC” in and around Eau Claire, Wisconsin.³ According to Applicants, WTS will “assume full and direct responsibility for the operation and maintenance of the Metaswitch and associated switching and transport services. WTS will operate as a competitive access provider, and will seek and obtain a [competitive] LEC certification from the Wisconsin PSC that is necessary for it to issue and maintain interstate and intrastate access service tariffs and to continue offering access services to WIN’s interexchange customers and other carriers.”⁴

Applicants assert that a grant of the application would serve the public interest, convenience, and necessity. Because of the overlap that Applicants identify between the WIN and WTS incumbent LEC entities providing service over WIN facilities, the proposed transaction does not qualify for presumptive streamlined treatment under the Commission's rules, and we accept it for non-streamlined processing.⁵

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of WIN, LLC by Wisconsin Telcom Switching, LLC, WC Docket No. 22-285 (filed July 29, 2022).

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 September 1, 2022**, and reply comments **on or before September 8, 2022**. 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.⁶ All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

² Each of the four LECs that own WTS are owned by U.S. individuals or entities. Applicants state that the four incumbent LECs use WIN’s facilities and services.

³ Application at 1, 9.

⁴ *Id.* at 9.

⁵ 47 CFR § 63.03(b).

- 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) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov; and
- 2) 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.⁷ 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.

⁶ 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 Rcd 2788 (Mar. 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

⁷ See 47 CFR § 1.45(c).

For further information, please contact Dennis Johnson, Wireline Competition Bureau, at dennis.johnson@fcc.gov or at (202) 418-0809.