



PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

News Media Information 202 / 418-0500
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DA 22-885
Released: August 24, 2022

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF WILKES TELEPHONE & ELECTRIC COMPANY AND
WILKES COMMUNICATIONS, INC. D/B/A WILKES LONG DISTANCE SERVICE**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 22-305

Comments Due: September 7, 2022
Reply Comment Due: September 14, 2022

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application filed by Mrs. April D. Dyson (Applicant), surviving spouse of George A. Dyson (Decedent) and former Executor of his estate, pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules. The application requests consent for the December 6, 2018 transfer of control that occurred when Decedent's 100% ownership interest in Dycom Holding, Inc. (Dycom), parent company of Wilkes Telephone & Electric Company (Wilkes) and Wilkes Communications, Inc. d/b/a Wilkes Long Distance Service (WLD), was transferred to Mrs. Dyson.¹

Dycom is a Georgia corporation that does not itself provide telecommunications services. Its wholly-owned subsidiaries are Wilkes, a Georgia corporation that provides service as a rural incumbent local exchange carrier (LEC) to approximately 5,960 access lines within Lincoln and Wilkes Counties and portions of Taliaferro, Ogelthorpe and Greene Counties, Georgia,² and WLD, a Georgia corporation that is a reseller of long distance services to approximately 4,400 customers in and around the incumbent LEC service area of Wilkes.

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants concurrently filed a request for special temporary authority to address the unauthorized transfer of control that occurred on December 6, 2018, as described herein. Letter from Thomas J. Moorman and Shana L. Knutson, Counsel, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 22-305 (filed Aug. 15, 2022). On August 24, 2022, the Bureau granted the request for special temporary authority to authorize Wilkes and WLD to continue providing service for 60 days pending approval of the domestic section 214 application. A grant of the domestic section 214 application would be without prejudice to any enforcement action by the Commission for non-compliance with the Act of the Commission's rules. Applicant also filed an application for the transfer of authorizations associated with international services. Any action on the domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Applicants state that Wilkes provides service under the name, Relyant Communications.

The instant transaction arose from the December 31, 2014 death of Mr. Dyson, a U.S. citizen, who at that time, owned 100% of Dycom.³ On December 6, 2018, following the winding down of the Decedent's estate, all of Mr. Dyson's interests in Dycom were transferred to Mrs. Dyson, also a U.S. citizen.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 filing under section 63.03(b)(2)(iii) of the Commission's rules.⁵

Domestic Section 214 Application Filed for the Transfer of Control of
Wilkes Telephone & Electric Company and Wilkes Communications, Inc.
d/b/a Wilkes Long Distance Service, WC Docket No. 22-305 (filed Aug. 15, 2022).

GENERAL INFORMATION

The transfer of control 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 September 7, 2022**, and reply comments **on or before September 14, 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) David Krech, Telecommunications and Analysis Division, International Bureau, david.krech@fcc.gov; and
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

³ Applicant provides ownership charts and descriptions of other non-telecommunications companies in which Dycom directly or indirectly wholly-owns and were also a part of the December 6, 2018 transfer of control. In addition, Applicant seeks consent for the transfer Quikr, LLC, an indirect subsidiary of Dyson that is non-operational and is authorized to provide competitive LEC services in Georgia.

⁴ Applicants state that, since the date of Mr. Dyson's death on December 31, 2014, Mrs. Dyson controlled Dycom either in her capacity of the executor of Mr. Dyson's estate or as sole owner of Dycom once the stock of Dycom was issued to her on December 6, 2018. Applicants further state that Mrs. Dyson does not hold any other interests in any provider of domestic telecommunications services.

⁵ 47 CFR § 63.03(b)(2)(iii).

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 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).