



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 22-909
Released: August 31, 2022

**DOMESTIC SECTION 214 APPLICATION FILED FOR
THE TRANSFER OF CONTROL OF THE BENTON RIDGE TELEPHONE COMPANY
TO CEQUEL OWENS, LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 22-302

Comments Due: September 14, 2022
Reply Comment Due: September 21, 2022

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed Cequel Owens, LLC (CEQUEL) and The Benton Ridge Telephone Company (Benton Ridge) (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 Benton Ridge to CEQUEL.¹

Benton Ridge, an Ohio corporation, is an incumbent local exchange carrier (LEC) in three exchanges in northwestern Ohio -- Benton Ridge, New Bavaria, and North Creek. Benton Ridge has the following operating subsidiaries: B.R. Cablevision Company, B.R. Cablecomm, Inc., Bright.net-BRT, Community Fiber Solutions, and W.A.T.C.H. TV Company. B.R. Cablevision Company provides IPTV services within the Benton Ridge exchange. B.R. Cablecomm, Inc. historically provided television service in portions of rural Ohio and Indiana. Bright.net-BRT provides Internet services within the Benton Ridge, New Bavaria, and North Creek exchanges. Community Fiber Solutions operates a fiber-to-the-premise system in portions of Indiana and Ohio and provides broadband Internet, IPTV, and voice services to both residential and commercial subscribers. W.A.T.C.H. TV Company (Watch Communications) operates a hybrid fiber and fixed wireless network and offers broadband Internet, video, and VoIP telephone service to both residential and business customers in portions of rural Illinois, Indiana, Kentucky, and Ohio. Watch Communications participates in the Connect America Fund (CAF) Phase II (Auction 903) program

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed applications for the transfer of authorizations associated with international and wireless services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed a supplement to their domestic section 214 application. Letter from J. Michael Long, Senior Counsel for Cequel Owens, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 22-302 (filed Aug. 24, 2022).

and receives funding for the building of its broadband networks in certain counties in the states of Ohio, Illinois, and Indiana.²

CEQUEL, a Delaware limited liability company, is an investment company that does not provide telecommunications service and does not have any affiliates that provide telecommunications services. CEQUEL is ultimately held by an entity with two trustees, Jerald L. Kent (25%) and Judith L. Kent (75%), both U.S. citizens.

Pursuant to terms of the proposed transaction, Cequel Owens Merger Corporation, an Ohio corporation and a wholly-owned subsidiary of CEQUEL, will merge with and into Benton Ridge, which will be the surviving corporation. Benton Ridge will thereby become a wholly-owned subsidiary of CEQUEL, and Benton Ridge's subsidiaries will become indirect subsidiaries of CEQUEL.

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)(1)(ii) of the Commission's rules.³

Domestic Section 214 Application Filed for the Transfer of Control of
The Benton Ridge Telephone Company to Cequel Owens, LLC,
WC Docket No. 22-302 (filed Aug. 5, 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 14, 2022**, and reply comments **on or before September 21, 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:

² *Connect America Fund Phase II Auction Support Authorized for 1,031 Winning Bids*, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, 34 FCC Rcd 8009, 8013-14, 8016, Attach A (Authorized Long-Form Applicants and Winning Bids) (WCB 2019) (stating that Eligible Telecommunications Carriers seeking to transfer control of their domestic authorizations to operate pursuant to section 214 of the Act or to engage in the sale of assets under section 214 must first receive approval from the Commission in accordance with sections 63.03 and 63.04 of the Commission's rules governing the procedures for domestic transfer of control applications). Applicants state that the proposed transaction will not impact the ability of W.A.T.C.H. Communications to meet its CAF Phase II obligations.

³ 47 CFR § 63.03(b)(1)(ii).

- 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) Sumita Mukhoty, Telecommunications and Analysis Division, International Bureau, sumita.mukhoty@fcc.gov; and
- 4) 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 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.⁴ 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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⁴ See 47 CFR § 1.45(c).