



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 23-101

Released: February 2, 2023

**DOMESTIC SECTION 214 APPLICATION FILED FOR
THE TRANSFER OF CERTAIN ASSETS
TO PNG TELECOMMUNICATIONS, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 23-31

Comments Due: February 16, 2023

Reply Comment Due: February 23, 2023

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application filed by PNG Telecommunications, Inc. (PNG) and Business Network Long Distance, Inc. (BNLD), Integrated Services, Inc. (ISI), Multiline Long Distance, Inc. (MLDI), National Access Long Distance, Inc. (NALD), and Nationwide Long Distance Service, Inc. (NLDS) (Operating Companies) (Operating Companies and PNG, collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,¹ requesting consent to transfer control of certain assets of the Operating Companies to PNG.²

The Operating Companies are switchless resellers of domestic long distance services. The Operating Companies are registered to provide services in multiple states³ and are directly owned and controlled by the Estate of Martin Tibbitts.⁴ MLD is an Ohio corporation, and BNLD, ISI, NALD, and NLDS are Nevada corporations. PNG, an Ohio corporation, provides interexchange

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04.

² See Application of PNG Telecommunications, Inc. and Operating Companies for Transfer of Control of Certain Operating Assets, Including Customers, of Certain Domestic and International 214 Licensed Carriers, WC Docket No. 23-31 (filed Jan. 11, 2023) (Application). Applicants filed a supplement to their Application on January 27, 2023. Letter from Brian McDermott, Counsel for PNG Telecommunications, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-31, at 1 (filed Jan. 27, 2023). Applicants also filed applications for the transfer of control of certain assets associated with international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

³ Applicants report that the Operating Companies are registered to provide services in the following number of states: BNLD (40 states), ISI (36 states), MLD (39 states), NLD (39 states), and NLDS (40 states).

⁴ Belinda Tibbitts, a United States citizen, is the sole beneficiary and personal representative of the Estate of Martin Tibbitts.

services throughout the United States and is an authorized competitive local exchange carrier in thirty-six states.

Pursuant to the terms of the proposed transaction, PNG will purchase and acquire the domestic long distance customers of the Operating Companies. As a result of the proposed transaction, customers will receive domestic long distance services directly from PNG rather than through the third-party reselling of PNG services by the Operating Companies. Applicants maintain that the proposed transaction will not alter any existing authorizations, registrations, or certifications held by the Operating Companies and that PNG will continue to operate solely under its own authorization. They also state that, following consummation of the proposed transaction, the following U.S. citizens will hold a 10% or greater interest in PNG: Roberta Stevens (approximately 52%); Allison Stevens (approximately 18%); Barbara Williams (approximately 18 percent); and Bernie Stevens (approximately 11%).

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)(i) of the Commission's rules.⁵

Domestic Section 214 Application Filed for the Transfer of Control of Certain Assets of Operating Companies to PNG, WC Docket No. 23-31 (filed Jan. 11, 2023).

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 **February 16, 2023**, and reply comments on or before **February 23, 2023**. 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) Merry Wulff, Competition Policy Division, Wireline Competition Bureau, merry.wulff@fcc.gov; and
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

⁵ 47 CFR § 63.03(b)(2)(i).

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 Public 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).⁶ 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.

For further information, please contact Myrva Charles at (202) 418-1506 or Merry Wulff at merry.wulff@fcc.gov.

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⁶ 47 CFR § 1.1206(b).

⁷ See 47 CFR § 1.45(c).