



# 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 23-716  
Released: August 17, 2023

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF  
THE FARMERS & MERCHANTS MUTUAL TELEPHONE COMPANY OF  
WAYLAND, IOWA TO COMMUNICATIONS NETWORK, INC.**

**STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 23-256**

**Comments Due: August 31, 2023**  
**Reply Comment Due: September 7, 2023**

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by The Farmers & Merchants Mutual Telephone Company of Wayland, Iowa (Farmers) and Communications Network, Inc. (CNI) (collectively, Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,<sup>1</sup> requesting consent to transfer control of Farmers to CNI.<sup>2</sup>

Farmers, an Iowa corporation and an Eligible Telecommunications Carrier (ETC), provides telecommunications services as an incumbent local exchange carrier (LEC) in Iowa.<sup>3</sup> Farmers is a privately held, community-based service provider with no individual or entity holding a direct or indirect interest of 10% or greater in Farmers' stock.

CNI, an Iowa corporation, provides wireless telecommunications services in Iowa. CNI is a wholly-owned subsidiary of Kalona Cooperative Telephone Company (KCTC), an Iowa cooperative association. KCTC, an ETC, provides local exchange service and other services in Iowa. KCTC also provides fiber-based communications and advanced communications services in Washington, Iowa.

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<sup>1</sup> See 47 U.S.C. § 214(a); 47 CFR §§ 63.03-04.

<sup>2</sup> Application for Consent to Transfer Control of Farmers & Merchants Mutual Telephone Company of Wayland, Iowa to Communications Network, Inc., WC Docket No. 23-256 (filed July 25, 2023) (Application). Applicants filed supplements to their application on August 7, 2023 and August 14, 2023. Letter from Michael Bennet, Counsel for Communications Network, Inc. to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-256 (filed Aug. 7, 2023); Letter from Michael Bennet, Counsel for Communications Network, Inc. to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-256 (filed Aug. 14, 2023). Applicants also filed applications for the transfer of authorizations associated with international services and wireless services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

<sup>3</sup> Applicants state that Farmers participates in the Lifeline program and the Affordable Connectivity Program and will continue to participate in those programs after the transaction is consummated.

KCTC is owned by its subscribers, none of whom own ten (10%) or more of the equity of KCTC. Applicants state that KCTC's service areas do not overlap CNI's service areas.

Pursuant to the terms of the merger agreement, immediately prior to the merger, outstanding shares of Farmers stock will be converted into the right to receive a cash amount per share, and outstanding shares of Merger Sub, a wholly-owned subsidiary of CNI created for the purposes of the transaction, will be converted into shares of Farmers. As a result, immediately following the proposed transaction, Merger Sub will cease to exist and Farmers will remain in existence as a wholly-owned subsidiary of CNI. CNI would thereby acquire control of Farmers.

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)(iii) of the Commission's rules.<sup>4</sup>

Domestic Section 214 Application Filed for the Transfer of Control of  
The Farmers & Merchants Mutual Telephone Company of Wayland, Iowa to  
Communications Network, Inc., WC Docket No. 23-256 (filed July 25, 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 August 31, 2023**, and reply comments **on or before September 7, 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) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, [tracey.wilson@fcc.gov](mailto:tracey.wilson@fcc.gov);
- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, [dennis.johnson@fcc.gov](mailto:dennis.johnson@fcc.gov); and
- 3) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto: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](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

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<sup>4</sup> 47 CFR § 63.03(b)(2)(iii).

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.<sup>5</sup> 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 Dennis Johnson at [dennis.johnson@fcc.gov](mailto:dennis.johnson@fcc.gov).

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<sup>5</sup> See 47 CFR § 1.45(c).