



PUBLIC NOTICE

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

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DA 23-929
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**DOMESTIC SECTION 214 APPLICATION FILED
FOR THE ACQUISITION OF CERTAIN ASSETS OF
UNITED TELEPHONE ASSOCIATION, INC. TO PANHANDLE TELEPHONE
COOPERATIVE, INC.**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 23-255

Comments Due: October 17, 2023
Reply Comment Due: October 24, 2023

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by United Telephone Association, Inc. (United) and Panhandle Telephone Cooperative, Inc. (PTCI) (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 authority to assign substantially all of the assets held by United in the South Englewood telephone exchange (Exchange) from United to PTCI.²

United, a member-owned Kansas corporation, is a rate-of-return regulated incumbent local exchange carrier (LEC) providing “the latest technologies and services to our customers, from residential landline, wireless phone and Internet, to Streaming TV and Enterprise Business Solutions.”³ United, a designated Eligible Telecommunications Carrier (ETC), receives high-cost

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

² See *Application for the Assignment of Assets of United Telephone Association, Inc. to Panhandle Telephone Cooperative, Inc., Pursuant to Section 214 of the Communications Act of 1934, as Amended*, WC Docket No. 23-255 (filed July 25, 2023) (Application). Applicants also filed a petition for waiver of the Commission's Study Area Boundary freeze and a waiver of sections 51.909 and 51.917 of the Commission's rules. Application at 7. On September 28, 2023, Applicants filed a supplement to their Application. Letter from Michael R. Bennet, Counsel for PTCI, and Tony S. Lee, Counsel for United, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-255 (filed Sept. 28, 2023) (Supplement). Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications or petitions for waiver.

³ Application at 2, 5-6.

universal service support through the Connect America Fund Broadband Loop Support (CAF BLS), High-Cost Loop Support (HCLS), Connect America Fund Intercarrier Compensation (CAF ICC), and Mobility Fund support mechanisms.⁴ Aside from serving seven counties in western Kansas,⁵ United serves the South Englewood Exchange in Oklahoma, with approximately 31 lines in what had formerly been known as the Ditch Valley Exchange.⁶ As a cooperative corporation, United is owned by its member subscribers, and no individual or entity directly or indirectly owns at least ten percent of the equity of United.⁷ United has the following board members, all of whom are U.S. citizens, and none of whom own more than 10% stock in any telecommunications company: Darren Batman; Harry Walker; Kim Unruh; Larry Ackerman; Lee Ann Seiler; Richard Fleming; Sandra Coast; Todd Houseman; and William Neier.⁸

PTCI, a member-owned Oklahoma corporation, is a rate-of-return regulated incumbent LEC offering broadband, voice, and mobile wireless services in the Oklahoma Panhandle.⁹ PTCI provides local exchange, interexchange, and broadband services in each of their Oklahoma exchanges.¹⁰ PTCI, a designated ETC, receives high-cost universal service support through the CAF BLS, HCLS, and CAF ICC support mechanisms.¹¹ As a cooperative corporation, PTCI is owned by its member subscribers, and no single member-subscriber owns or controls more than 10 percent of PTCI.¹² PTCI has the following board members, all of whom are U.S. citizens, and none of whom own more than 10% stock in any telecommunications company: Charles Russell; Dennis Zimmerman; Earl Wells; Jana Wallace; Larry January; Lonnie Bailey; Milton Headrick; Robert Thrash; Roger Edenborough; Rowdy McBee; and Scott Martin.¹³ Applicants state that “neither

⁴ *Id.* at 4. United also participates in the Lifeline program and the Affordable Connectivity Program, and the programs will continue to be available post consummation of the transaction. *Id.* United’s study area code (SAC) is 411841. *Id.*

⁵ *Id.* at 1-2, 6. United and its wireline affiliate, United Communications Association, Inc. (UCA), serve the following exchanges in Kansas: Ashland, Cimarron, Copeland, Englewood, Ensign, Ford-Kingsdown, Hanston, Ingalls, Montezuma, Spearville, and Garden City, Sublette, Liberal, Fowler, Minneola, Bucklin, Coldwater, Dodge City, Meade, Protection, Kinsley, Plains, Jetmore, and Scott City. *Id.* at 7. UCA provides Voice over Internet Protocol, interexchange, video, and data services. *Id.* at 9; Supplement at 1 (clarifying that UCA is not part of the transaction with PTCI). United’s wholly owned subsidiary, United Wireless Communications, Inc. (UWC), provides wireless telecommunications services. *Id.*; Supplement at 1 (clarifying that UWC is not part of the transaction with PTCI).

⁶ Application at 1-2.

⁷ *Id.* at 2.

⁸ *Id.* at 8.

⁹ *Id.* at 2, 5-6. PTCI serves the following exchanges in Oklahoma: Adams, Balko, Beaver, Boise City, Bryans Corner, Eva, Felt-Wheelless, Floris, Forgan, Gate, Goodwell, Griggs, Guymon, Hardesty, Hooker, Kenton, Keyes, Laverne, Logan, Texhoma, Turpin, and Tyrone. *Id.* at 9.

¹⁰ *Id.* at 2.

¹¹ *Id.* at 4. PTCI also participates in the Lifeline program and the Affordable Connectivity Program, and the programs will continue to be available post consummation of the transaction. *Id.* PTCI’s SAC is 432016. *Id.*

¹² *Id.* at 6. PTCI has one wholly-owned affiliate, Panhandle Telecommunications Systems, Inc. (PTSI), a wireless telecommunications service provider. *Id.* at 7; Supplement at 1. PTSI holds a 38 percent ownership interest in Texas RSA No. 2 Limited Partnership, also a wireless telecommunications service provider. Supplement at 1.

¹³ Application at 7-8.

PTCI nor any of its affiliates, hold a 10% or greater interest in any other provider of domestic telecommunications services.”¹⁴

Pursuant to the terms of the proposed transaction, PTCI will acquire substantially all of the assets held by United in the Exchange, including, but not limited to, its telecommunications facilities, customer databases, and associated contracts.¹⁵ The sale of assets will be transparent to the customers of United and PTCI.¹⁶ Applicants assert the transaction is in the public interest as customers will receive superior service; the transaction will not harm competition or the Universal Service Fund; and PTCI has a proven record of investing in rural networks and communities and of providing high quality telecommunications services to rural areas in Oklahoma.¹⁷ Additionally, there is no overlap of exchanges or service areas between PTCI and United and their affiliates.¹⁸

Applicants do not request streamlined treatment of this Application.¹⁹ Because the proposed transaction is more complex than those accepted for streamlined treatment, and in order to analyze whether the proposed transaction would serve the public interest, we accept the Application for non-streamlined processing.²⁰

Domestic Section 214 Application Filed for the Assignment of Assets of
United Telephone Association, Inc. to Panhandle Telephone Cooperative, Inc.,
WC Docket No. 23-255 (filed July 25, 2023).

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 October 17, 2023**, and reply comments **on or before October 24, 2023**. 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.²¹ All filings must be addressed to the Commission’s

¹⁴ Supplement at 1.

¹⁵ Application at 2.

¹⁶ *Id.*

¹⁷ *Id.* at 3, 7.

¹⁸ *Id.* at 9.

¹⁹ *Id.* at 6.

²⁰ 47 CFR § 63.03(c)(1)(v).

²¹ 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

Secretary, Office of the Secretary, Federal Communications Commission.

- 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) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 2) Megan Danner, Competition Policy Division, Wireline Competition Bureau, megan.danner@fcc.gov; and
- 3) 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.²² 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.

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 Red 2788 (OS 2020).

²² *See* 47 CFR § 1.45(c).

For further information, please contact Tracey Wilson at (202) 418-1394 or Megan Danner at (202) 418-1151.

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