



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 24-336
Released: April 5, 2024

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
LIGONIER TELEPHONE COMPANY AND LIGTEL COMMUNICATIONS, INC. TO
DANIEL E. SCHLOSS AND ELIZABETH L. BURCHFIELD**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 24-43

Comments Due: April 19, 2024
Reply Comment Due: April 26, 2024

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application filed by the Estate of Meshell L. Schloss (Decedent or the Estate), Daniel E. Schloss, and Elizabeth L. Burchfield (Daniel E. Schloss and Elizabeth L. Burchfield, together, Transferees) (Decedent and Transferees, collectively, the Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,¹ requesting approval for the involuntary transfer of control of Ligonier Telephone Company (Ligonier) and LigTel Communications, Inc. (LigTel) (together, the Companies) from the Decedent's Estate to her children, Daniel E. Schloss and Elizabeth L. Burchfield.²

Ligonier, an Indiana corporation, provides local exchange service and exchange access service as an incumbent local exchange carrier (LEC) to approximately 538 access lines in the Noble and Elkhart counties of Indiana.³ Ligonier also provides Internet access service. LigTel, an Indiana

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

² Amended Application for Transfer of Control of Ligonier Telephone Company and LigTel Communications, Inc to Daniel E. Schloss and Elizabeth L. Burchfield, pursuant to Section 214 of the Communications Act of 1934, as Amended, WC Docket No. 24-43 (filed Mar. 28, 2024) (Application); *see also* Application Transfer of Control of Ligonier Telephone Company to the Estate of Meshell L. Schloss, pursuant to Section 214 of the Communications Act of 1934, as Amended, WC Docket No. 24-43 (filed Feb. 7, 2024). Applicants also filed an application 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. On April 4, 2024, the Bureau granted the Applicants request for Special Temporary Authority (STA) for the Transferees to serve Ligonier's and LigTel's customers pending approval of the transfer of control application. Request for Special Temporary Authority Related to the Amended Application for Involuntary Transfer of Control of Domestic Section 214 Authorization, WC Docket No. 24-43, at 1 (granted Apr. 4, 2024). The Companies continued operations under their own names, but under the ultimate control of Transferees since that time until the present. *Id.*

³ Application at 3, 6.

corporation, provides voice service and broadband Internet access service as a competitive LEC in the Noble, LaGrange, Kosciusko, Whitley, and Dekalb counties of Indiana.⁴ Heartland Innovations, Inc. (Heartland) is a holding company and the direct owner of the Companies (100%).⁵ Heartland also owns Heartland Cellular, Inc. (100%) and Indiana RSA 2 Partnership (25%), wireless telecommunications providers in Indiana.⁶

At the time of her death on June 3, 2023, the Decedent held a 50.96% controlling interest in the Companies, which passed to her Estate.⁷ On August 15, 2023, as a function of probate, the Estate distributed Decedent's 50.96% interest in Heartland, and thus the Companies, to the shareholders of Heartland.⁸ As a result of the distribution, no one entity owns a controlling interest in Heartland.⁹ Transferees each hold a 29.49% ownership interest in Heartland and, in turn, the Companies, and the remaining 41.02% ownership interest is held by the other eight shareholders, none of whom hold 10% or greater interest.¹⁰ The Transferees do not hold a 10% or greater direct or indirect interest in any other domestic telecommunications provider.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 processing under section 63.03(b)(1)(ii) of the Commission's rules.¹²

Domestic Section 214 Application Filed for the Transfer of Control of
Ligonier Telephone Company, WC Docket No. 24-43 (filed Mar. 28, 2024).

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 April 19, 2024**, and reply comments **on or before April 26, 2024**. 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.

⁴ *Id.*

⁵ *Id.* at 2.

⁶ *Id.* at 6.

⁷ *Id.* at 1. Decedent held, in her individual capacity, a 40.78% interest in Heartland. She also held, as sole trustee and beneficiary of the Rober P. Schloss Family Credit Shelter Trust, a 10.18% ownership interest in Heartland. *Id.* at 2.

⁸ *Id.* at 2.

⁹ *Id.* at 5.

¹⁰ *Id.* at 4-5.

¹¹ *Id.* at 5.

¹² 47 CFR § 63.03(b)(1)(ii).

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;
- 2) Megan (Capasso) Danner, Competition Policy Division, Wireline Competition Bureau, megan.danner@fcc.gov;
- 3) David Krech, Office of International Affairs, david.krech@fcc.gov;
- 4) Nadja Sodos-Wallace, Broadband Division, Wireless Telecommunications Bureau, nadja.sodoswallace@fcc.gov; and
- 5) 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.¹³ 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 Megan (Capasso) Danner at (202) 418-1151.

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¹³ See 47 CFR § 1.45(c).