



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 18-195

February 27, 2018

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF COMSOUTH CORPORATION
TO HARGRAY COMMUNICATIONS GROUP, INC.**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 18-52

Comments Due: March 13, 2018

Reply Comments Due: March 20, 2018

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Hargray Communications Group, Inc. (Hargray Communications) and W. Mansfield Jennings Limited Partnership (Mansfield Partnership) (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 approval for the transfer of control of ComSouth Corporation (ComSouth) from Mansfield to Hargray Communications.¹

ComSouth, a Georgia corporation, provides local and long distance telephone, broadband, and video services through its subsidiaries and affiliates in the cities of Hawkinsville, Perry, Fort Valley, Cochran, Unadilla, Pinehurst, Marshallville, Kathleen, Bonaire, and the counties of Peach and Macon in Georgia. ComSouth Telecommunications, Inc. is an incumbent local exchange carrier (LEC) serving 3,339 lines in those areas. ComSouth Telenet, Inc. and ComSouth Teleservices, Inc. provide interstate telecommunications services in the same areas. ComSouth is currently held by the Mansfield Partnership, a Georgia limited partnership, which has four limited partners, each holding a 24.75 percent interest: W. Mansfield Jennings, III, Meredith Jennings McDaniel, Jennings Family Trust III, and Jennings Family Trust IV.²

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Application of W. Mansfield Jennings Limited Partnership, Transferor, and Hargray Communication Group, Inc., Transferee, For Consent to the Transfer of Control of ComSouth Corporation Pursuant to Section 214 of the Communications Act of 1934, as Amended, WC Docket No. 18-52 (filed Feb. 22, 2018) (Application).

² The Jennings Family Trust III and the Jennings Family Trust IV are organized for the benefit of W. Mansfield Jennings III and Meredith Jennings McDaniel, respectively. Application at 4.

Hargray, a South Carolina corporation, through the followings subsidiaries and affiliates, provides telecommunications services in South Carolina and Georgia: Hargray, Inc. is a competitive LEC in southeastern South Carolina; Hargray of Georgia, Inc. is a competitive LEC in south and northeastern Georgia; Hargray Telephone Company, Inc. is an incumbent LEC serving over 23,000 residential and business customers in Hilton Head, Hardeeville, and Jasper, South Carolina; Bluffton Telephone Company, Inc is an incumbent LEC serving over 15,000 residential and business customers in Bluffton, South Carolina; Low Country Carriers, Inc. (d/b/a Hargray Long Distance Co.) provides interexchange telecommunications services in South Carolina and Georgia exclusively to customers of affiliated carriers. Hargray Communication is a wholly owned subsidiary of Hargray Acquisition Holdings, LLC (Hargray Acquisition). The following U.S. entities hold a 10 percent or greater interest in Hargray Acquisition: TPO-Hargray, LLC (51.8 percent interest); Redwood Cable Holdings, LLC (22.2 percent interest); and Stevens Hargray Cable, LLC (19.2 percent interest).³

Pursuant to the terms of the proposed transaction, Mansfield, ComSouth, and Hargray Communications entered into a Stock Purchase Agreement whereby Hargray Communications agreed to purchase 100 percent of ComSouth's common stock from Mansfield. As a result of the proposed transaction, ComSouth and its subsidiary entities will become wholly owned subsidiaries of Hargray Communications. Applicants state that ComSouth and Hargray have no overlapping or adjacent service areas.⁴ Although Applicants request streamlined processing, because of the public interest review associated with this proposed transaction, the application is not subject to streamlined treatment.⁵

Domestic Section 214 Application Filed for the Transfer of Control of
ComSouth Corporation to Hargray Communications Group, Inc.
WC Docket No. 18-52 (filed Feb. 22, 2018).

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 and petitions **on or before March 13, 2018**, and reply comments or oppositions to petitions **on or before March 20, 2018**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- 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

³ See Application at 10-11 for a description of the ownership and control of the U.S. entities and citizens that hold a 10 percent or greater interest in Hargray Communications.

⁴ Application at 13.

⁵ 47 CFR § 63.03(c)(1).

filing. Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. All envelopes and boxes must be disposed of before entering the building.
- 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 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

In addition, please provide one copy of each pleading to each of the following:

- 1) Jim Bird, Office of General Counsel, transactionteam@fcc.gov;
- 2) Dennis Johnson, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) Myrva Charles, Wireline Competition Bureau, myrva.charles@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.⁶ 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 data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, then 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 Applications 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

⁶ 47 CFR § 1.1200 *et seq.*

⁷ See 47 CFR § 1.45(c).

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.

- FCC -