



PUBLIC NOTICE

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

**News Media Information 202 / 418-0500
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**DA 18-569
June 1, 2018**

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
HOSPERS TELEPHONE EXCHANGE, INC. D/B/A HTC COMMUNICATIONS TO
MUTUAL TELEPHONE COMPANY OF SIOUX CENTER, IOWA
D/B/A PREMIER COMMUNICATIONS**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 18-129

**Comments Due: June 15, 2018
Reply Comments Due: June 22, 2018**

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Hospers Telephone Exchange, Inc. d/b/a HTC Communications (Hospers) and Mutual Telephone Company of Sioux Center, Iowa d/b/a Premier Communications (Mutual) (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 to transfer control of Hospers to Mutual.¹

Hospers, an Iowa corporation, is a rural incumbent local exchange carrier (LEC) and also provides video and other services in the Hospers local exchange in Iowa. Hospers also provides competitive LEC, video, and other services in the Sheldon local exchange area, and in the towns of Sibley, Ocheyedan, and Ashton, Iowa.²

Mutual, an Iowa corporation, provides services as a rural incumbent LEC to approximately 3,600 access lines in the Sioux Center, Iowa exchange. Mutual also wholly owns the following three incumbent LECs: Northern Iowa Telephone Company (Northern), an Iowa corporation, that serves the Iowa

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04; Domestic Section 214 Application for the Transfer of Control of Hospers Telephone Exchange, Inc. d/b/a HTC Communications to Mutual Telephone Company of Sioux Center, Iowa d/b/a Premier Communications, WC Docket No. 18-129 (filed April 30, 2018) (Application). On May 15, 2018, Applicants filed a supplement to their domestic section 214 application. Letter from John Kuykendall, Vice President of Mutual, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-129 (filed May 15, 2018) (May 15 Supplement). Applicants also filed an application for the transfer of authorizations associated with international services. Any action on the domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Applicants state that Hospers is an Eligible Telecommunications Carrier² for Lifeline services in Sheldon and Sibley.

exchanges of Hinton, Matlock, Maurice, Sanborn, Little Rock, and Granville; Webb-Dickens Telephone Corporation, an Iowa corporation, that serves the Iowa exchanges of Dickens and Webb; and Heartland Telecommunications Company of Iowa (Heartland), a Minnesota corporation, that serves the Iowa exchanges of Akron, Boyden, Doon, Hawarden, Hull, Ireton, Rock Rapids, Rock Valley, and Sibley Iowa, as well as several exchanges in Minnesota and South Dakota. Mutual also wholly owns Premier Communications, Inc. (Premier), an Iowa corporation, that serves as a competitive LEC in the Iowa exchanges of Akron, Boyden, Doon, Hull, Ireton, Rock Valley, Rock Rapids, LeMars, Orange City, George, Merrill, Arnolds Park, Lake Park, Milford, and Spirit Lake.³ Applicants state that no single individual or entity holds more than a 10 percent or more interest in Mutual. Applicants further state that the incumbent LEC service areas for Northern and Heartland are partially adjacent to Hosper's incumbent LEC exchange. Hosper's four competitive LEC exchanges are also adjacent to portions of the Northern and Heartland incumbent LEC exchanges with minimal overlap.

Pursuant to the terms of the proposed transaction, Mutual will acquire the stock of Hospers, and thus, all of the operations and assets of both Hosper's incumbent and competitive LEC operations. Applicants assert that a grant of the application will serve the public interest, convenience, and necessity. Because Applicants have adjacent and overlapping service areas, this application is not entitled to presumptive streamlined treatment under the Commission's rules.⁴

Domestic Section 214 Application Filed for the Transfer of Control of
Hosper Telephone Exchange, Inc. d/b/a HTC Communications to
Mutual Telephone Company of Sioux Center, Iowa d/b/a Premier Communications,
WC Docket No. 18-129 (filed April 30, 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 June 15, 2018**, and reply comments or oppositions to petitions **on or before June 22, 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 Applicants state that Mutual also holds a 20 percent interest in FiberComm, L.C. (FiberComm) that provides competitive LEC services in Sioux City, Iowa; a 20.4 percent interest in FiberNet Communications L.C. (FiberNet) that provides transport and special access telecommunications services in Iowa; and a 37.5 percent interest in Milford Communications, LLC (Milford), that provides cable and broadband services in Milford and Fostoria, Iowa. Applicants also state that Northern also holds a 23.34 percent interest in FiberNet. Applicants state that none of the service areas of FiberComm, FiberNet, nor Milford overlap the service areas of Hosper's incumbent or competitive LEC service areas. May 15 Supplement at 1-2.

⁴ 47 CFR § 63.03(b)(2).

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) Gregory Kwan, Wireline Competition Bureau, gregory.kwan@fcc.gov;
- 3) Myrva Charles, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 4) David Krech, International Bureau, david.krech@fcc.gov;
- 5) Sumita Mukhoty, International Bureau, sumita.mukhoty@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.⁵ 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

⁵ 47 CFR § 1.1200 *et seq.*

filings. New issues may not be raised in responses or replies.⁶ 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 Gregory Kwan at (202) 418-1191.

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⁶ See 47 CFR § 1.45(c).