



PUBLIC NOTICE

Federal Communications Commission
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DA 16-773
July 6, 2016

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF CROSSLAKE COMMUNICATIONS BY TRI-CO TECHNOLOGIES, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 16-208

Comments Due: July 20, 2016

Reply Comments Due: July 27, 2016

The City of Crosslake, Minnesota (City) and Tri-Co Technologies, LLC (Tri-Co) (together, the Applicants) filed an application pursuant to section 214 of the Communications Act of 1934, as amended, and section 63.03 of the Commission's rules, requesting authorization to transfer the assets of Crosslake Communications (CLC) from the City to Tri-Co.¹

CLC, an enterprise fund of the City and a municipal telephone company, provides local exchange telecommunications services as an incumbent local exchange carrier (LEC) to approximately 1,470 access lines in and around the City of Crosslake in Crow Wing County in rural central Minnesota. CLC also provides extended area calling services to other nearby communities in the region and resells long distance toll calling services. CLC also provides Internet access services and cable television services. Applicants state that the City and CLC have no ownership interests in any other entities that offer domestic telecommunications services.

Tri-Co, a Minnesota limited liability company, has been formed to acquire CLC's assets and to provide local exchange and exchange services in the Crosslake area as an assignee and successor incumbent LEC to CLC. Tri-Co is owned by the following three affiliates which are also Minnesota incumbent LECs: (a) Rural Communications Holdings Corporation (RCHC) (61.23 percent); (b) Emily Technologies, LLC (ETLC) (28.37 percent); and West Central Technologies, Inc. (WCTI) (10.40 percent).² Applicants state that Blue Earth Valley Communications, Inc., a Minnesota corporation, owns

¹ See 47 U.S.C. § 214; 47 C.F.R § 63.03.

² RCHC, a Minnesota corporation, is a holding company that directly or indirectly owns the following eight Minnesota incumbent LECs that provide local exchange telephone services (including interstate exchange access) and resold interstate toll services in 23 rural local exchanges in southern Minnesota and nearby portions of Wisconsin and Iowa: (1) Blue Earth Valley Telephone Company; (2) Easton Telephone Company; (3) Eckles Telephone Company; (4) Cannon Valley Telecom, Inc.; (5) Pine Island Telephone Company; (6) Indianhead Telephone Company; (7) Hager Telecom, Inc.; and (8) Granada Telephone Company. ETLC, a Minnesota limited

100 percent of RCHC. Blue Earth Valley Communications, Inc. is owned by the following U.S. citizen and U.S. based entities: William V. Eckles (13.32 percent), Eckles Dynasty Trust #1 (24.83 percent), Eckles Dynasty Trust #2 (24.78 percent), and Buccaneer Investments, LLC (24.07 percent).³ ETLC is 100 percent owned by Emily Cooperative Telephone Company, which Applicants state has no 10 percent or greater owners. WCTI is 100 percent owned by West Central Telephone Association, which Applicants state has no 10 percent or greater owners. Applicants further state that Tri-Co has no operations of its own at this time and will operate the Crosslake exchange via agreements with its three member companies.

The proposed transaction involves the sale by the City to Tri-Co of all or substantially all of the assets, properties, contracts, and business operations used by the City and CLC to provide the CLC voice and data telecommunications services and cable television service, including CLC's blanket domestic section 214 authorization.

Applicants state that Crosslake incumbent LEC exchange is adjacent to the Fifty Lakes incumbent LEC exchange of Emily, but they do not overlap or compete for the same customers. Applicants further state that the current incumbent LEC operations of CLC, RCHC, ETLC, WCTI, and their affiliates have, in combination, fewer than two percent of the nation's subscriber lines installed in the aggregate nationwide. We accept this application for streamlined processing pursuant to our authority to afford streamlining to particular applications on a case-by-case basis.⁴

Domestic Section 214 Application Filed for the Acquisition of Assets of Crosslake Communications by Tri-Co Technologies, LLC, WC Docket No. 16-208 (filed June. 29, 2016).

GENERAL INFORMATION

The transfer of assets 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 July 20, 2016**, and reply comments **on or before July 27, 2016**. Pursuant to section 63.52 of the Commission's rules, 47 C.F.R. § 63.52,

liability company, is a holding company which does not directly provide domestic telecommunications services and is a wholly owned subsidiary of Emily Cooperative Telephone Company (Emily), a Minnesota telephone cooperative and incumbent LEC which serves four exchanges (Emily, Fifty Lakes, Little Pine, and Fairfield) in Crow Wing County in central Minnesota. WCTI, a Minnesota corporation, is a holding company which does not directly provide telecommunications services and is a wholly owned subsidiary of West Central Telephone Association (West Central), a Minnesota telephone cooperative and incumbent LEC which serves six exchanges (Aldrich, Menahga, Nimrod, Sebeka, Verndale, and Wolf Lake) in Wadena and Becker Counties in west central Minnesota. West Central serves approximately 3,400 access lines. It also offers resold long distance toll services, Internet access services and cable television service within its local exchange service area.

³ Applicants state that the members of Buccaneer Investments, LLC are Blue Earth Valley Communications, Inc. (26.91 percent), Eckles Dynasty Trust #1 (34.34 percent), and Eckles Dynasty Trust #2 (38.75 percent).

⁴ See *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, Report and Order, 17 FCC Rcd 5517, 5531-32, 5535, paras. 28, 34 (2002); 47 C.F.R § 63.03(a).

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 assets 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 in this proceeding 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) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@fcc.gov;
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov;

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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 C.F.R. § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Tracey Wilson at (202) 418-1394 or Gregory Kwan at (202) 418-1191.

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