

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
3 Rivers Telephone Cooperative, Inc.,)	
Assignor,)	
)	WC Docket No. 20-_____
and)	
)	
Siyeh Communications,)	
Assignee,)	
)	
Application for Assignment of Assets Pursuant)	
to Section 214 of the Communications Act of)	
1934, as Amended.)	

**APPLICATION FOR ASSIGNMENT OF ASSETS OF 3 RIVERS TELEPHONE
COOPERATIVE, INC. TO SIYEH COMMUNICATIONS**

3 Rivers Telephone Cooperative, Inc. (“3 Rivers” or “Assignor”) and Siyeh Communications. (“SiyCom” or “Assignee”) (collectively the “Applicants”), and pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214 (the “Act”), and Section 63.04 of the rules of the Federal Communications Commission (“FCC” or the “Commission”), 47 C.F.R. § 63.04, hereby request authority to assign substantially all of the assets held by 3 Rivers in the Browning Exchange in the State of Montana to SiyCom pursuant to streamlined processing.¹ As described in this application, SiyCom will provide service to the former customers of the 3 Rivers Browning Exchange upon completion of the transaction.

¹ The assignment is made pursuant to Asset Purchase Agreement By and Among 3 Rivers Telephone Cooperative, Inc., Siyeh Corporation and Siyeh Communications (eff. date Dec. 10, 2019).

I. INFORMATION REQUIRED BY SECTION 63.04

Pursuant to Section 63.04(a) of the Commission's rules, the Applicants provide the following information in support of this transaction related to the transfers of domestic 214 authority:

(1) Applicants' Names, Addresses and Telephone Numbers

Assignor: 3 Rivers Telephone Cooperative, Inc.
P.O. Box 429
Fairfield, MT 59436

Telephone: 406-467-4101
Facsimile: 406-467-5055

Assignee: Siyeh Communications
P.O. Box 1049
Browning, MT 59417

Telephone: (641) 787-2337
Facsimile: (641) 787-2347

(2) State of Organization

- (a) Assignor: 3 Rivers is a cooperative incorporated and organized under the laws of the State of Montana and owned by its telephone subscribers (also referred to as cooperative members).
- (b) Assignee: Siyeh Communications is a telecommunications utility chartered by Siyeh Corporation pursuant to the laws of the Blackfeet Tribe. Siyeh Corporation is a federally chartered corporation owned 100 percent by the Blackfeet Nation pursuant to section 17 of the Indian Reorganization Act, 25 U.S.C. § 5124.

(3) Contact Information

All correspondence, notices and inquiries regarding this transaction should be addressed to:

Assignor: David Gibson
3 Rivers Telephone Cooperative, Inc.
P.O. Box 429
Fairfield, MT 59436

Telephone: 406-467-4101
Facsimile: 406-467-5055

With a copy to:

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Telephone: (202) 857-4442
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Counsel for 3 Rivers Telephone Cooperative, Inc..

Assignee: Mike Sheard
Siyeh Communications
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Browning, MT 59417

Telephone: (406) 594-9661
Facsimile: (866) 832-1779

With a copy to:

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Law Offices of Gregory J. Vogt, PLLC
103 Black Mountain Avenue
Suite 11
Black Mountain, NC 28711
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Telephone: (828) 669-2099

Counsel for Siyeh Communications

(4) Ten percent (10%) Equity Shareholders

Assignor: None.

Assignee: Siyeh Communications is wholly owned by Siyeh Corporation, a federally chartered corporation wholly owned by the Blackfeet Nation. No other persons or entities directly or indirectly own at least ten percent of the equity of SiyCom.

(5) Certification Pursuant to Rules 1.2001-1.2003

Applicants have attached certifications, pursuant to 47 C.F.R. §§ 1.2001-1.2003, that to the best of their knowledge, information, and belief, no party to the application is subject to denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

(6) Description of the Parties, the Relevant Geography, and the Transaction

(a) Description of 3 Rivers

3 Rivers Telephone Cooperative, Inc. is a cooperative headquartered in Fairfield, Montana. 3 Rivers is an incumbent local exchange carriers (“ILEC”) that operates 26 ILEC exchanges and two competitive local exchange carrier (“CLEC”) exchanges in Montana. 3 Rivers is a member of the National Exchange Carrier Association (“NECA”), and is a participant in NECA’s common line and traffic sensitive pools.

(b) Description of SiyCom

SiyCom is headquartered in Browning, Montana, and is the communications provider of the Blackfeet Nation. SiyCom currently provides broadband services to approximately 179 subscribers. SiyCom is wholly owned by Siyeh Corporation, a federally chartered corporation owned by the Blackfeet Nation, whose mission is to promote economic development, produce revenue and employment opportunities and promote self-determination by members of the Blackfeet Nation. By creating Siyeh Corporation, a for-profit corporation, the Blackfeet Nation separates business development from political influences of the Blackfeet Tribal Council. The

Siyeh Corporation has a five-person Board of Directors, made up of five Blackfeet tribal citizens, which manages its affairs as a corporation in order to maintain independence from the Tribal Council. SiyCom operates the communications business of the Siyeh Corporation as a non-profit sustainable business operation.

(c) Description of the Transaction

Through the Asset Purchase Agreement between 3 Rivers and SiyCom, SiyCom will acquire substantially all of the assets of 3 Rivers in the Browning Exchange in the State of Montana, including, but not limited to, its telecommunications facilities, customer databases, and associated contracts. 3 Rivers was a local exchange carrier and a member of National Exchange Carrier Association prior to the enactment of the Telecommunications Act of 1996. SiyCom will become an incumbent local exchange carrier as a successor or assign pursuant to 47 U.S.C. § 251(h)(1)(B)(ii).² The 3 Rivers Browning Exchange assets will comprise the local exchange business operations of SiyCom in the Browning Exchange, as well as the interstate and international long distance operations delivering services to Browning Exchange customers.³

The sale of assets should be transparent to the customers of those companies. SiyCom will comply with the customer notification and related requirements of Section 64.1120(e) of the Commission's rules, 47 C.F.R. § 64.1120(e).

² See *Federal-State Joint Board on Universal Service, Hopi Telecommunications, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Hopi Reservation in Arizona*, CC Docket No. 96-45, 22 FCC Rcd 1866, ¶ 6 (Wir Comp. Bur. 2007).

³ Pursuant to the separate Transition Service Agreement, in order to avoid service disruption to customers in the Browning Exchange, 3 Rivers will provide from its current, larger service territory certain services to SiyCom during a transition period anticipated to not exceed one year.

(7) Streamlined Treatment

The Applicants respectfully request streamlined treatment of the Application. Pursuant to Section 63.03 of the Commission’s rules, an application for approval of a domestic transfer of control of Section 214 authority is presumptively subject to streamlined treatment when “the transferee is not a telecommunications provider.” 47 U.S.C. § 63.03(b)(1)(ii). SiyCom is not a telecommunications provider. SiyCom currently only provides broadband service, a non-telecommunications service, to its customers. Presumptive streamlined treatment is also afforded an applicant where “the proposed transaction involves only the transfer of the local exchange assets of an incumbent LEC by means other than an acquisition of corporate control.” 47 U.S.C. § 63.03(b)(1)(iii). This transaction involves only the transfer of local exchange assets of 3 Rivers (an incumbent LEC) by means other than an acquisition of corporate control. Accordingly, the application is presumptively entitled to streamlined treatment.

(8) Other Related Applications Before the Commission

None.⁴

(10) Statement of Imminent Business Failure

Not applicable.

(11) Separately-Filed Waiver Requests

Applicants are seeking a waiver of the Study Area Boundary freeze in order to transfer the Browning Exchange from 3 Rivers to SiyCom. *See* Appendix A. The Browning Exchange

⁴ SiyCom has an international Section 214 authorization to provide global or limited global facilities-based service and global or limited global resale service. *See* IB File No. ITC-214-20191219-00199, Report No. TEL-02006 (granted Jan. 31, 2020). 3 Rivers has its own international 214 authorization that it is not assigning to SiyCom. Therefore, the existing international long distance services provided to 3 Rivers Browning Exchange customers will be assumed by SiyCom pursuant to its own international 214 authorization.

Boundary Map is included as Attachment 1 to Appendix A. Pursuant to the Commission's current policy for granting study area boundary waivers, this waiver should be treated as routine under existing precedent, and therefore should not impact the request for streamlined treatment. 47 C.F.R. § 63.03(c)(i).

(12) Public Interest Statement

SiyCom will continue to provide local exchange services after the closing of the proposed transaction without reduction, impairment, or discontinuance of services to any customer as a result of this transaction.

The proposed transaction will result in significant benefits for customers residing and working in the Browning Exchange. Upon consummation of the transaction, Browning Exchange customers, located exclusively on the Blackfeet Nation Reservation,⁵ will be served by the same tribal-owned company that currently provides broadband services on the Reservation. Because of SiyCom's exclusive focus on providing excellent communications services to the Blackfeet Nation, Browning Exchange customers can expect to reap benefits from the instant transfer.

SiyCom intends to extend fiber to all locations within the Browning Exchange. SiyCom may also provide broadband services pursuant to fixed wireless services either on an interim or permanent basis. All of such build-out efforts will enable SiyCom to deliver high quality voice and broadband services to residential and business customers, including broadband services at speeds of at least 25/3 Mbps.

⁵ A small portion of the Browning Exchange includes territory located in Glacier County, Montana, but not on the Blackfeet Reservation. 3 Rivers has no telecommunications facilities, and no 3 Rivers customers reside or work, in that non-tribal territory of the Browning Exchange.

While the Browning Exchange is among 26 exchanges currently operated by 3 Rivers, the Browning Exchange will be SiyCom’s only exchange. Therefore, SiyCom will be able to focus its entire efforts exclusively on the provision of services to locations within that exchange.

SiyCom is headquartered in Browning, which is also the heart of the Blackfeet Nation’s tribal government and business operations. SiyCom will work closely with appropriate tribal program administrators and departments to help maximize the availability and benefits of its services to all customers throughout the Browning Exchange, including Tribal Lands Lifeline and Link Up programs to eligible customers.⁶ This transaction will promote employment and economic development on the Blackfeet Reservation, contributing to economic and cultural self-determination, which has been a consistent goal of Commission and federal government policies. In fact, the Commission has frequently recognized the “unique government-to-government relationship with Tribes and the distinct challenges in bringing communications services to Tribal lands.”⁷ The FCC frequently has adopted specific rules applicable to tribal-owned or controlled companies “in recognition of [a Tribe’s] interest in self-government and self-provisioning on their own lands.”⁸ The Commission has adopted unique universal service rules that are specifically applicable to only carriers serving predominantly tribal lands, based on the higher costs of providing service to these lands. The Commission has recognized that various characteristics tend to increase the cost of entry and reduce the profitability of providing service on tribal lands. These characteristics include “. . . the lack of infrastructure, a predominance of

⁶ See generally 47 C.F.R. §§ 54.403, 54.413, and 54.414.

⁷ *Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking*, 26 FCC Rcd 17663, ¶ 479 (2011) (*USF/ICC Transformation Order*), *aff’d sub nom, In re FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

⁸ *Id.*, ¶ 491.

low-income residential customers rather than business subscribers, jurisdictional issues involving States and Tribal authorities, the complexity of obtaining access on Tribal lands, and cultural and language barriers.”⁹ Each of these characteristics exist with equal force on the Blackfeet Reservation. This transaction is similar to other transactions involving tribal-owned or controlled entities, and for which the sales and study area boundary waiver requests have been approved by the Commission.¹⁰

In accordance with Section 54.902(c) of the Commission’s rules, as a non rate-of-return entity acquiring rate-of-return lines, SiyCom expects to receive Universal Service Fund Support in accordance with the Alternative Connect America Cost Model (“ACAM”).¹¹ SiyCom intends to petition the Commission to be the designated Eligible Telecommunications Carrier (“ETC”) for the Browning Exchange and estimates it will receive approximately \$2,000,000 per year in

⁹ *Connect America Fund*, WC Docket No. 10-90, Report & Order, FCC 18-37, ¶ 2 (rel. Apr. 5, 2018) (“*Tribal Op Ex R&O*”), *recon. granted in part*, FCC 18-187 (rel. Dec. 31, 2018) (Mescalero Apache Telecommunications, Inc. added to entities entitled to special tribal op ex factor).

¹⁰ *See, e.g.*, Public Notice, *Notice of Streamlined Domestic 214 Application Granted*, 21 FCC Rcd 150 (Jan. 9, 2006) (Section 214 transfer granted from CenturyLink to Hopi Telecom); *Sacred Wind Communications, Inc. and Qwest Corporation Joint Petition for Waiver of the Definition of “Study Area” Contained in Part 36, Appendix-Glossary of the Commission’s Rules*, 21 FCC Rcd 9227 (Wir. Comp. Bur. 2006) (grant of study area waiver to acquire 2,300 lines).

¹¹ Although 47 C.F.R. § 54.902(d) is likely inapplicable, in an abundance of caution due to the ambiguous language of the rule and uncertainty regarding current universal service support applicable to the Browning Exchange, SiyCom requests a waiver of Section 54.305 of the Commission’s rules, to the extent it is applicable, based on the low broadband penetration rate on the Reservation and the need for universal service support to improve voice and broadband services on the Reservation. Grant of such a waiver is consistent with Commission precedent granting a waiver in similar circumstances. *See Sacred Wind Communications, Inc. and Qwest Corp.*, CC Docket No. 96-45, 21 FCC Rcd 9227, 9236-37 (Wir. Comp. Bur., 2006); *Mescalero Apache Telecom, Inc. Waiver of Section 54.305 of the Commission’s Rules*, CC Docket No. 96-45, 16 FCC Rcd 1312, 1316-19 (2001).

model-based universal service support pursuant to the Commission's A-CAM II offer.¹² SiyCom understands that it will be obligated to meet Commission broadband parameters and deployment obligations as required by Section 54.308 of the Commission's rules and will annually invest an amount that is at least as great as the amount of the A-CAM II support for the provisioning, maintenance and upgrading of the facilities and services in the Browning Exchange. Receipt of such USF support is critical to ensuring that customers within the Browning Exchange continue to have the opportunity to receive quality voice and broadband services.

Receipt of the ACAM II offer amount of universal service support will not burden the high cost universal service fund because 3 Rivers was offered to receive such amount as a carrier accepting the ACAM II offer had there been no sale of assets in the Browning Exchange.¹³ Moreover, the overall fund will be decreased over time with the further election of model based support consistent with recent A-CAM II election by other ILECs across the industry.

Consistent with precedent, the proposed transaction will serve the public interest, convenience, and necessity by strengthening SiyCom and by directly benefiting all affected customers.

¹² *Connect America Fund et al, Report and Order and Further Notice of Proposed Rulemaking, Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration*, FCC 18-176, ¶¶ 31-69 (Dec. 12, 2018) (*December 2018 Rate-of-Return Reform Order*); see also Public Notice, *Wireline Competition Bureau Announces Alternative Connect America Cost Model II Support Amounts Offered to Rate-of-Return Carriers to Expand Rural Broadband*, DA 19-372, WC Docket No. 10-90 (May 2, 2019) and accompanying reports, available at <https://docs.fcc.gov/public/attachments/DOC-357276A1.xlsx>.

¹³ See *FCC Report 15.1 – Support Offer – Non Tribal/Tribal Funding Results, Non-Tribal Funding Threshold \$52.50 and \$200.00 on Funding Cap, Tribal Funding Threshold \$39.38 and \$213.12 Funding Cap* (May 2, 2019) (“ACAM II Offers”), located at <https://docs.fcc.gov/public/attachments/DOC-357276A1.xlsx>. The fact that 3 Rivers did not accept that offer is irrelevant since the Commission determined that such amount was reasonable. SiyCom intends to ask the Commission to specify in the order addressing its expected ETC application that it is entitled to receive the ACAM II offer amount beginning on the effective date of the grant of its ETC status.

II. CONCLUSION

For the foregoing reasons, 3 Rivers and SiyCom respectfully request that the Commission place this application on streamlined processing for its domestic Section 214 assignment of assets and promptly grant this Application.

Respectfully Submitted,

**3 RIVERS TELEPHONE
COOPERATIVE, INC.**

SIYEH COMMUNICATIONS

/s/ Michael R. Bennet
Michael R. Bennet

/s/ Gregory J. Vogt
Gregory J. Vogt

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*Counsel for 3 Rivers Telephone
Cooperative, Inc.*

Counsel for Siyeh Communications

March 23, 2020

APPENDIX A

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
Federal State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Joint Petition for Waiver of the Definition of “Study Area” Contained in Part 36, Appendix- Glossary of the Commission’s Rules)	
)	
Siyeh Communications)	
)	
and)	
)	
3 Rivers Telephone Cooperative, Inc.)	

**JOINT PETITION FOR WAIVER OF THE DEFINITION OF STUDY AREA WITH
RESPECT TO THE TRANSFER OF THE BROWNING, MONTANA EXCHANGE**

Siyeh Communications (“SiyCom”), and 3 Rivers Telephone Cooperative, Inc. (“3 Rivers”) (jointly referred to herein as “Petitioners”), by their undersigned attorneys, and pursuant to Section 1.3 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,¹ respectfully request a waiver of the definition of “study area” contained in the Appendix-Glossary of Part 36 of the FCC’s rules.² Specifically, the Petition requests that the Browning, Montana Exchange be deleted from 3 Rivers Study Area No.482255, and added to the study area

¹ 47 C.F.R. § 1.3.

² 47 C.F.R. Part 36.

of SiyCom that will be formed once the Section 214 transfer is granted. The new exchange service territory map identifying such boundary change is attached as Attachment 1.

As further detailed below, SiyCom and 3 Rivers have entered into an asset purchase agreement whereby SiyCom will purchase substantially all of the assets of the Browning Exchange from 3 Rivers and provide local exchange service, and interstate and international services, to customers located within the Browning Exchange.

Standards for Study Area Waiver

In the *USF/ICC Transformation Order*, the Commission revised its approach for evaluating petitions for study area waivers, concluding that it would apply two standards; the state commission having regulatory authority over the transferred exchanges does not object to the transfer, and the transfer is in the public interest.³

As outlined below, Petitioners meet both standards for a Study Area Waiver.

1. State Approval

On March 3, 2020, the Montana Public Service Commission determined that it does not object to the change in the boundary of 3 River's Study Area No. 482255 to reflect the transfer of the Browning Exchange from 3 Rivers to SiyCom.⁴ The transfer of the Browning Exchange is contingent on the FCC granting a Petition of SiyCom to be an Eligible Telecommunications Carrier, which SiyCom expects to file in the near future.

³ *Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking*, 26 FCC Rcd 17663, ¶ 265 (2011) (*USF/ICC Transformation Order*), *aff'd sub nom*, *In re FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

⁴ *Order Granting Conditional Relinquishment of ETC Status and Study Area Waiver, Three Rivers Communications Conditional Notice of Relinquishment of Designation of Eligible Telecommunications Carrier and Request for Study Area Waiver*, Docket No. 2019.12.104, Order No. 7719, ¶ 7 (adopted Mar. 3, 2020) ("*PSC Order*") (attached as Attachment 2).

2. Public Interest

The proposed study area boundary change will result in significant benefits for customers residing and working in the Browning Exchange. As set forth in more detail in the Joint Section 214 application filed with this waiver, upon consummation of the transactions, Browning Exchange customers, located exclusively on the Blackfeet Nation Reservation,⁵ will be served by the same tribal-owned company that currently provides broadband services on the Reservation. Because of SiyCom's exclusive focus on providing excellent communications services to the Blackfeet Nation, Browning Exchange customers can expect to reap benefits from the instant transfer.

SiyCom's aggressive, modernizing build-out efforts will enable SiyCom to deliver high quality voice and broadband services to residential and business customers. This transaction furthers the significant national interest in promotion of tribal self-governance and is similar to other transactions involving tribal-owned or controlled entities, and for which the sales and study area boundary waiver requests have been approved by the Commission.⁶

The transaction will not have an adverse impact on the universal service fund. In accordance with Section 54.902(c) of the Commission's rules, as a non rate-of-return entity acquiring rate-of-return lines, SiyCom expects to accept Universal Service Fund Support in

⁵ A small portion of the Browning Exchange includes territory located in Glacier County, Montana, but not on the Blackfeet Reservation. 3 Rivers has no telecommunications facilities and no 3 Rivers customers reside or work in that non-tribal territory of the Browning Exchange.

⁶ See, e.g., Public Notice, *Notice of Streamlined Domestic 214 Application Granted*, 21 FCC Rcd 150 (Jan. 9, 2006) (Section 214 transfer from CenturyLink to Hopi Telecom): *Sacred Wind Communications, Inc. and Qwest Corporation Joint Petition for Waiver of the Definition of "Study Area" Contained in Part 36, Appendix-Glossary of the Commission's Rules*, 21 FCC Rcd 9227 (Wir. Comp. Bur. 2006) (grant of study area waiver to acquire 2300 lines).

accordance with the Alternative Connect America Cost Model (“ACAM”). SiyCom intends to petition the Commission to be the designated Eligible Telecommunications Carrier (“ETC”) for the Browning Exchange⁷ and estimates it will receive approximately \$2,000,000 per year in model-based universal service support pursuant to the Commission’s A-CAM II offer.⁸ SiyCom understands that it will be obligated to meet Commission broadband parameters and deployment obligations as required by Section 54.308 of the Commission’s rules and will annually invest an amount that is at least as great as the amount of the A-CAM II support for the provisioning, maintenance and upgrading of the facilities and services in the Browning Exchange. Receipt of such USF support is critical to ensuring that customers within the Browning Exchange have the opportunity to receive quality voice and broadband services. Because SiyCom will accept the ACAM II amount, and the FCC has already found the ACAM offers to be in the public interest,⁹ it is unnecessary to compare previous universal service receipts with the ACAM II amount. Therefore, SiyCom’s receipt of the ACAM II offer amount of universal service support will not burden the high cost universal service fund because 3 Rivers was offered to receive such amount

⁷ The Montana PSC has no objection to SiyCom filing its ETC application directly with the FCC because SiyCom is an entity owned and operated by the Blackfeet Nation, which is not subject to the jurisdiction of the Montana PSC. *PSC Order*, ¶ 7.

⁸ *Connect America Fund et al, Report and Order and Further Notice of Proposed Rulemaking, Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration*, FCC 18-176, ¶¶ 31-69 (Dec. 12, 2018) (*December 2018 Rate-of-Return Reform Order*); see also Public Notice, *Wireline Competition Bureau Announces Alternative Connect America Cost Model II Support Amounts Offered to Rate-of-Return Carriers to Expand Rural Broadband*, DA 19-372, WC Docket No. 10-90 (May 2, 2019) and accompanying reports, available at <https://docs.fcc.gov/public/attachments/DOC-357276A1.xlsx>.

⁹ See authorities cited in note 8 *supra*.

as a carrier accepting the ACAM II offer had there been no sale of assets in the Browning Exchange.¹⁰

Conclusion

The Petitioners have met the burden of proving that the proposed study area boundary waiver has met the two part standard applied by the Commission to evaluate Study Area Boundary Waiver Petitions. Petitioners therefore request that the Commission grant the petition to waive its definition of study area boundaries to reflect the transfer of the Browning Exchange from 3 Rivers to SiyCom.

Respectfully submitted,

/s/Michael R. Bennet
Michael R. Bennet

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March 23, 2020

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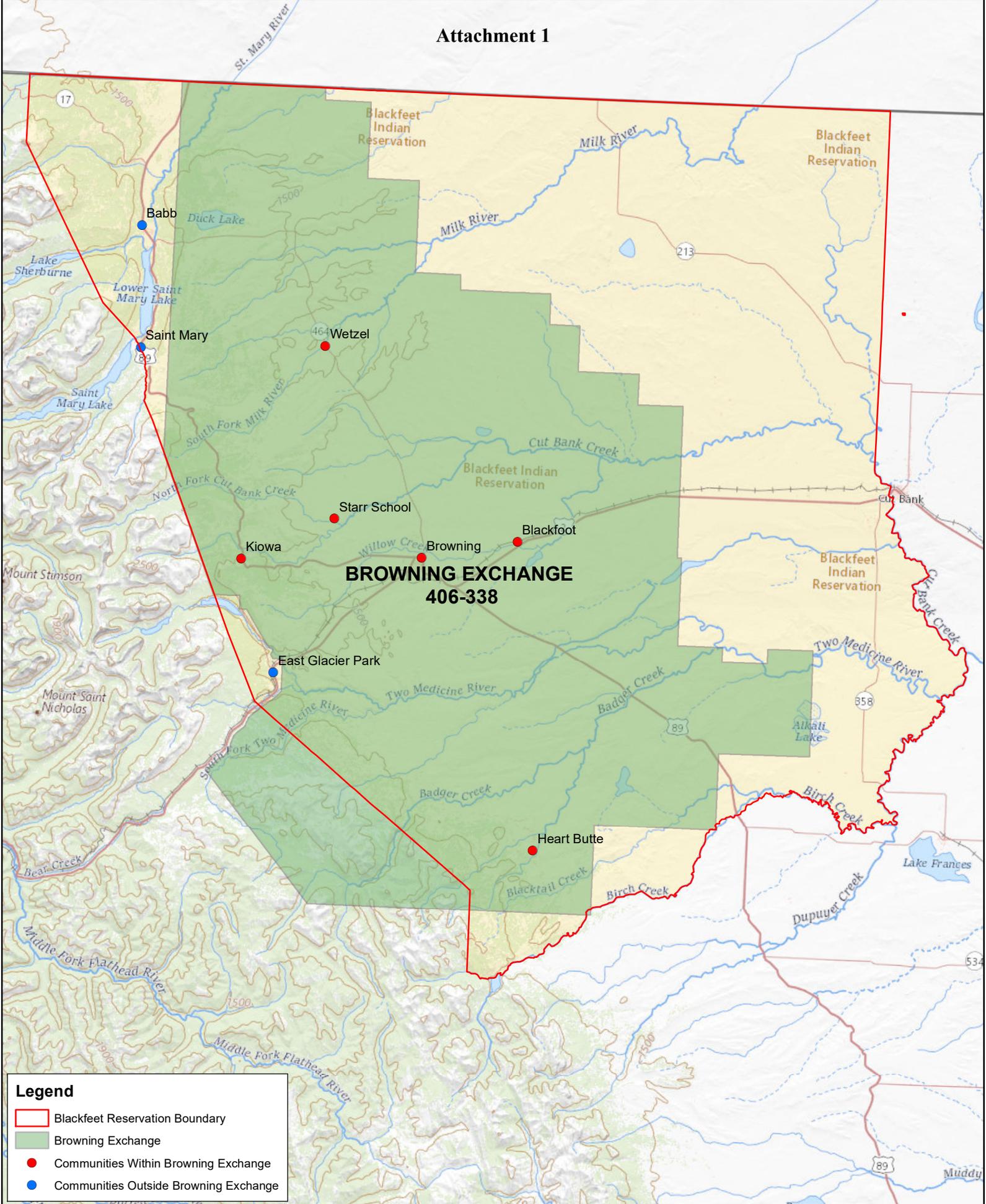
Counsel for Siyeh Communications

¹⁰ See FCC Report 15.1 – Support Offer – Non Tribal/Tribal Funding Results, Non-Tribal Funding Threshold \$52.50 and \$200.00 on Funding Cap, Tribal Funding Threshold \$39.38 and \$213.12 Funding Cap (May 2, 2019) (“ACAM II Offers”), located at <https://docs.fcc.gov/public/attachments/DOC-357276A1.xlsx>. The fact that 3 Rivers did not accept that offer is irrelevant since the Commission determined that such amount was reasonable. SiyCom intends to ask the Commission to specify in the order addressing its expected ETC application that it is entitled to receive the ACAM II offer amount beginning on the effective date of the grant of its ETC status.

Attachment 1

Service Area Map

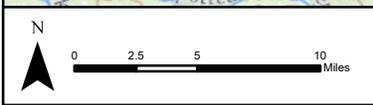
Attachment 1



**BROWNING EXCHANGE
406-338**

Legend

- Blackfeet Reservation Boundary
- Browning Exchange
- Communities Within Browning Exchange
- Communities Outside Browning Exchange



COMPANY
SIYEH COMMUNICATIONS
124 2ND AVENUE NW
BROWNING, MT 59417

ENGINEER
TICOM, INC.
2513 94TH AVE NORTH
BROOKLYN PARK, MN 55444

DRAWN BY: MEL YAWAKIE
DATE: 04/30/2019

DRAWING TITLE
**BROWNING EXCHANGE
AND BLACKFEET RESERVATION**

SHEET
1 OF 1

Attachment 2

Montana PSC Order

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER OF Three Rivers) REGULATORY DIVISION
Communications Conditional Notice of)
Relinquishment of Designation of) DOCKET NO. 2019.12.104
Eligible Telecommunications Carrier) ORDER NO. 7719
and Request for Study Area Waiver)

**ORDER GRANTING CONDITIONAL RELINQUISHMENT OF ETC STATUS
AND STUDY AREA WAIVER**

PROCEDURAL HISTORY

1. On December 10, 2019, 3 Rivers Telephone Cooperative, Inc. (“3 Rivers”) filed its *Notice of Conditional Relinquishment of ETC Status and Request for Study Area Waiver Letter* (“Notice”) with the Montana Public Service Commission (“Commission”). On December 10, 2019, Siyeh Corporation sent a letter to the Commission requesting a letter from the Commission stating that the Commission has no objection to Siyeh Communications (“SiyCom”) petitioning the Federal Communications Commission (“FCC”) directly for Eligible Telecommunications Carrier (“ETC”) status for all areas of the Browning Montana Exchange (“Browning Exchange”).

2. On December 17, 2019, the Commission issued the *Notice of Application and Intervention Deadline*. On January 22, 2020, the Commission issued Data Requests, and responses were filed on January 29, 2020. During a regularly scheduled work session on March 3, 2020, the Commission considered and granted the Notice as discussed below.

FINDINGS OF FACT

3. 3 Rivers is designated as an ETC in 28 exchanges in Montana, including the Browning Exchange, which encompasses part of the Blackfeet Reservation (“Reservation”) and extends slightly beyond the Reservation’s boundary at the southwestern edge of the Browning Exchange. There are no 3 Rivers customers in the portion of the Browning Exchange outside the Reservation. SiyCom provides wireless and fiber-based broadband and coaxial cable television services on the Reservation.

4. 3 Rivers and SiyCom recently entered into an agreement for SiyCom to purchase 3 Rivers' assets and operations in the Browning Exchange, pending regulatory approvals by the Commission and the FCC. To that end, 3 Rivers' Notice requests the Commission grant relinquishment of its ETC status for the Browning Exchange conditioned on the FCC's approval of certain regulatory filings, which will be submitted to the FCC following the Commission's final decision in this docket. These filings are: (1) 3 Rivers' and SiyCom's Application for Assignment of Assets of 3 Rivers to SiyCom ("Application for Transfer"); (2) 3 Rivers and SiyCom's Joint Petition for Waiver of the Definition of Study Area with Respect to the Transfer of the Exchange ("Petition for Study Area Waiver"); and (3) SiyCom's Application for designation as an ETC in the Browning Exchange ("SiyCom's ETC Application"). The Notice also requests the Commission issue a letter to the FCC noting the conditions of the relinquishment and affirming that the Commission does not object to the change in 3 Rivers' Study Area reflecting the transfer of the Browning Exchange from 3 Rivers to SiyCom.

5. Pursuant to Montana law, "[t]he [C]ommission shall permit an [ETC] to relinquish its designation . . . in any area served by more than one [ETC]" if given "advance notice," and the Commission "shall require the remaining [ETC] to ensure that all customers . . . will continue to be served and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining [ETC]." Mont. Code Ann. § 69-3-840(5); *see also* 47 USC § 214(e)(4); 47 CFR § 54.205. The Commission "shall establish a time, not to exceed 1 year after the [C]ommission approves relinquishment under this section, within which the purchase or construction must be completed." *Id.*

6. 3 Rivers provided sufficient advance notice of its request for relinquishment. This matter was initiated nearly three months ago. The Commission properly noticed the docket and sought public input. The docket was publicly noticed in the *Great Falls Tribune* and the *Glacier Reporter*. In addition, a separate news story was run in the *Glacier Reporter*, which discussed the sale and encouraged residents to provide comments to the Commission if anyone had concerns on the matter. No party, including the MCC, intervened in the docket, let alone intervened to oppose the transaction. The purchase must be completed within one year of the date of this Order.

7. The Commission concludes that remaining statutory requirements will be met once the FCC issues orders granting the Petition for Study Area Waiver, the Application for Transfer, and SiyCom's ETC Application. The Commission has no objection to the change in 3 Rivers' Study Area reflecting the transfer of the Browning Exchange from 3 Rivers to SiyCom, or to SiyCom's direct request to the FCC for ETC status or the joint request for study area waiver. The reason the Commission does not object to SiyCom's direct request to the FCC for ETC status is because SiyCom is an entity that is owned and operated by a branch of the Blackfeet Nation, which is a federally recognized Native American Tribe in Montana, and therefore, a sovereign nation that is not subject to state jurisdiction by the Commission. Therefore, the Commission will issue letters requested in the Notice and the letter from Siyeh Corporation.

CONCLUSIONS OF LAW

8. The Commission concludes that it has jurisdiction over 3 Rivers and this Notice, as 3 Rivers is a regulated telecommunications carrier and eligible telecommunications carrier in Montana. Mont. Code Ann. § 69-3-803; Mont. Code Ann. § 69-3-840(5); *see also* 47 USC § 214(e)(4); 47 CFR § 54.205.

9. The Commission concludes no further process is required to make a decision on 3 Rivers' Notice. Mont. Code Ann. §§ 2-4-601, 69-3-840(5).

10. The Commission concludes that the requirements for relinquishment are met, pursuant to Mont. Code Ann. § 69-3-840(5), pending satisfaction of the conditions set forth in this Order.

ORDER

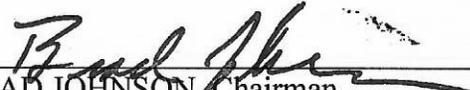
11. 3 Rivers' request for relinquishment is GRANTED conditioned upon: (1) the FCC issuing orders granting (a) the Petition for Study Area Waiver, (b) the Application for Transfer, and (c) SiyCom's ETC Application; and (2) completion of the purchase within one year of the date of this Order.

12. The Commission shall issue a letter to the FCC noting the conditions of the relinquishment and affirming that the Commission does not object to the change in the boundary of 3 Rivers' Study Area to reflect the transfer of the Exchange from 3 Rivers to SiyCom.

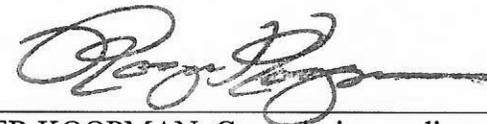
13. The Commission shall issue a letter to SiyCom confirming that it has no objection to SiyCom petitioning the FCC directly for ETC status for all areas of the Browning Exchange, for the reason described above.

DONE AND DATED this 3rd day of March, 2020 by a vote of 4-1, with Commissioner Koopman dissenting.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION


BRAD JOHNSON, Chairman


BOB LAKE, Vice Chairman


ROGER KOOPMAN, Commissioner, dissenting


TONY O'DONNELL, Commissioner


RANDALL PINOCCI, Commissioner

ATTEST:


Vicki LaFond-Smith
Commission Secretary

(SEAL)



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Order Granting Conditional Relinquishment of ETC Status and Study Area Waiver on March 19, 2020 in Docket 2019.12.104 was served upon the following,

Emailing a true and correct copy:

Montana Consumer Counsel

robnelson@mt.gov;

ssnow@mt.gov;

jbrown4@mt.gov;

david.gibson@3rivers.coop

mgreen@crowleyfleck.com

wbarker@crowleyfleck.com

Dated: March 19, 2020

/s/Sydney Kessel

Sydney Kessel, Administrative Assistant

DECLARATION OF DAVID H. GIBSON

I, David H. Gibson, General Manager/CEO, declare under penalty of perjury that 3 Rivers Telephone Cooperative, Inc., including all officers, directors, or persons holding five percent or more of the outstanding stock or shares (voting and/or non-voting) of 3 Rivers Telephone Cooperative, Inc., as specified in Section 1.2003(b) of the Commission's Rules, is not subject to denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.

Executed on: 20 March, 2020


David H. Gibson
General Manager/CEO

DECLARATION OF MIKE SHEARD

I, Mike Sheard, General Manager of Siyeh Communications declare under penalty of perjury that Siyeh Communications, including all officers, directors, or persons holding five percent or more of the outstanding stock or shares (voting and/or non-voting) of Siyeh Communications as specified in Section 1.2003(b) of the Commission's Rules, is not subject to denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.

Executed on: 3/22/2020



Mike Sheard
General Manager

Certificate of Service

I, Gregory J. Vogt, do hereby certify that I have on this 23d day of March, 2020, caused a copy of the foregoing “Application for Assignment of Assets of 3 Rivers Telephone Cooperative, Inc. to Siyeh Communications” to be served by first class mail or electronic mail (*designates electronic mail service only) upon the following:

U.S. Coordinator, EB/CIP
U.S. Department of State
2201 C Street, N.W.
Washington DC 20520-5818

Department of Defense
Assistant Secretary of Defense for C31
1000 Defense Pentagon, Room 3E172
Washington, D.C. 20301-1000

The Honorable Steve Bullock
P.O. Box 200801
Helena MT 59620-0801

Montana Public Service Commission
1701 Prospect Ave.,
Vista Square Building
P.O. Box 202601
Helena MT 59620-2601

* Jodie May
Dennis Johnson
Competition Policy Division
Federal Communications Commission
445 12th Street, S.W.
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dennis@johnson@fcc.gov

/s/ Gregory J. Vogt

Gregory J. Vogt