

NOV 21 2018

Federal Communications Commission  
Office of the Secretary

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

In the Matter of )

DELTA COMMUNICATIONS, L.L.C. )  
D/B/A CLEARWAVE COMMUNICATIONS, )  
Transferor )

WC Docket No. 18-340

ITC-STA-2018 \_\_\_\_\_

and )

CABLE ONE, INC., )  
Transferee )

DOCKET FILE COPY ORIGINAL

**GRANTED**

Application for Consent for Transfer of )  
Control pursuant to Section 214 of the )  
Communications Act of 1934, as Amended )

NOV 15 2018

Competition Policy Division  
Wireline Competition Bureau

for sixty (60) days

**REQUEST FOR SPECIAL TEMPORARY AUTHORITY**

Concurrently with this Request for Special Temporary Authority ("STA"), Delta Communications, L.L.C. d/b/a Clearwave Communications ("Clearwave") and Cable One, Inc. ("Cable One") (Clearwave and Cable One collectively, the "Applicants") are filing a Joint Application with the Federal Communications Commission ("Commission") for authority to transfer control of Clearwave to Cable One pursuant to 47 U.S.C. § 214 and 47 C.F.R. §§ 1.763, 63.03, 63.04, 63.18, and 63.24 (the "Application"). The Applicants hereby respectfully submit this STA request pursuant to 47 U.S.C. § 214 and 47 C.F.R. §§ 63.04 and 63.24 to permit Clearwave to continue its interstate and international telecommunications operations under its existing ownership pending approval of the Application.

As described in the Application, Clearwave holds blanket domestic Section 214 authority and global Section 214 authority to provide international facilities-based and resale services.<sup>1</sup>

<sup>1</sup> IB File No. ITC-214-20021022-00509; FCC Filer ID 819867.

Clearwave also is a recipient of funds under the National Telecommunications and Information Administration (“NTIA”) Broadband Technology Opportunities Program (“BTOP”)<sup>2</sup> and the Commission’s rural broadband experiments (“RBE”) program.<sup>3</sup>

In preparation for the transfer of control transaction described in the Application, Clearwave discovered that it did not seek prior Commission approval of a 2011 private equity investment in the company. Specifically, SCP Clearwave LLC (“SCP”), an Arkansas limited liability company and subsidiary of Stephens Capital Partners, acquired a 70.9% interest in Clearwave in 2011. Since then, SCP’s interest in Clearwave has increased to 83.1%. The remaining interest in Clearwave is held by various individuals, none of which hold a ten percent (10%) or greater interest in Clearwave. Clearwave disclosed the SCP ownership interest to the Commission in 2014 when it filed its application for participation in the Commission’s RBE program.<sup>4</sup>

Stephens Capital Partners and its subsidiaries hold investments in other telecommunications entities. There are five (5) Stephens family trusts that own ten percent (10%) or more of SCP: (1) Harriet Calhoun Stephens Trust UID 3/22/84; (2) Warren A. Stephens Trust UID 9/30/87; (3) Miles Stephens WHCT Trust UID 9/30/87; (4) John Calhoun Stephens WHCT Trust UID 9/30/87; and (5) Laura W. Stephens WHCT Trust UID 9/30/87. All ownership of SCP is U.S.-based. The address of SCP and the other Stephens Capital Partners entities is 111 Center Street, Suite 1600, Little Rock, Arkansas 72201.

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<sup>2</sup> [https://www2.ntia.doc.gov/files/grantees/delta\\_communications.pdf](https://www2.ntia.doc.gov/files/grantees/delta_communications.pdf).

<sup>3</sup> *Rural Broadband Experiment Support Authorized for Ten Winning Bids for Skybeam, LLC, Consolidated Communications Networks, Inc., Delta Communications LLC, and Allamakee-Clayton Electric Cooperative, Inc.*, 30 FCC Rcd 8283 (2015).

<sup>4</sup> *See supra* n.3.

Grant of this STA will serve the public interest.<sup>5</sup> The STA is needed to allow Clearwave to continue to operate pending Commission action on the Application. Clearwave is an active telecommunications carrier providing telecommunications services to carriers and business customers in the state of Illinois. As such, grant of the STA will permit the uninterrupted provision of services to the existing customers of Clearwave. The Applicants have acted in good faith to notify the Commission of this oversight, and upon completion of the transaction described in the Application and Commission approval, Clearwave will be one-hundred percent (100%) owned by Cable One. Cable One has a long history of compliance with Commission rules, and maintains internal personnel and external regulatory counsel to oversee compliance with Commission requirements.<sup>6</sup>

The Applicants request the grant of STA remain in effect for at least sixty (60) days, or until the Application is approved, whichever is longer. The Applicants acknowledge that the grant of STA will not prejudice any action the Commission may take on the Application, and the STA can be revoked by the Commission upon its own motion without a hearing.

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<sup>5</sup> 47 U.S.C. § 214(a) (Commission may permit temporary operation when present or future public convenience and necessity requires).

<sup>6</sup> The Commission has granted STAs in similar factual circumstances. *See, e.g.*, WC Docket Nos. 06-192, 07-115, 08-177, 13-265, 17-309, 17-322; File Nos. ITC-STA-20100701-00268; ITC-STA-20180718-00146.

WHEREFORE, for the forgoing reasons, the Applicants respectfully request that the Commission act expeditiously to grant the requested STA pending approval of the Application.

Respectfully submitted,

**DELTA COMMUNICATIONS, L.L.C.**

**CABLE ONE, INC.**

/s/ Matthew Dement

Matthew Dement  
President and Chief Executive Officer  
Delta Communications, L.L.C.  
2 N. Vine Street  
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/s/ Steven S. Cochran

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Its Attorneys

Its Attorneys

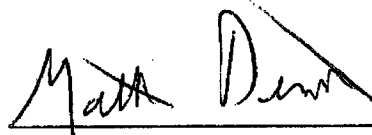
Dated: November 12, 2018

STATE OF ILLINOIS  
COUNTY OF SALINE

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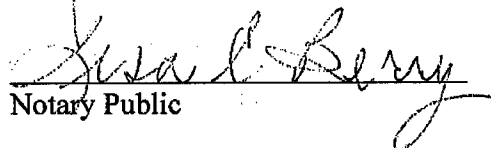
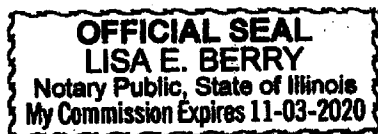
### VERIFICATION

I, Matt Dement, state that I am the President & Chief Executive Officer of Delta Communications, LLC d/b/a Clearwave Communications (the "Company"); that I am authorized to make this Verification on behalf of the Company; that I have read the foregoing document; and that any statements in the foregoing document with respect to the Company, except as otherwise specifically attributed, are true and correct to the best of my knowledge, information, and belief.



**Matt Dement**  
**President & Chief Executive Officer**  
Delta Communications, LLC d/b/a Clearwave  
Communications

Sworn and subscribed before me this 12<sup>th</sup> day of November 2018.

  
Notary Public

My commission expires 11-3-2020

STATE OF ARIZONA

COUNTY OF MARICOPA

§  
§  
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SS:

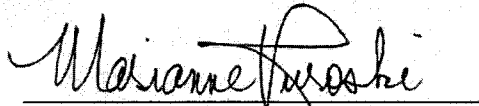
**VERIFICATION**

I, Steven S. Cochran, state that I am the Senior Vice President and Chief Financial Officer of Cable One, Inc. (the "Company"); that I am authorized to make this Verification on behalf of the Company and its affiliates; that I have read the foregoing document; and that any statements in the foregoing document with respect to the Company and its affiliates, except as otherwise specifically attributed, are true and correct to the best of my knowledge, information, and belief.

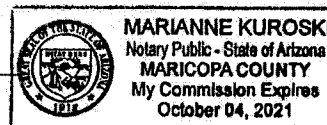


Steven S. Cochran  
Senior Vice President and Chief Financial Officer  
Cable One, Inc.

Sworn and subscribed before me this 12<sup>th</sup> day of November 2018.

  
Notary Public

My commission expires 10-4-21



Ms. Marlene H. Dortch, FCC Secretary  
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Any questions you may have regarding this filing should be directed to my attention at 407-740-3031 or via email to Sthomas@inteserra.com. Thank you for your assistance in this matter.

Sincerely,

/s/ Sharon Thomas

Sharon Thomas  
Consultant to Endstream Communications, LLC

cc: Erik B. Levitt - Endstream  
tms: FCCx1801a