

INTERNATIONAL SECTION 214 SPECIAL TEMPORARY AUTHORITY APPLICATION
FCC FORM 214STA
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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:

Grant of this STA request is in the public interest because it will prevent any delays in new investments for Hiawatha.

1. Applicant

Name: Schurz Communications, Inc. Phone Number: 240-420-2068
DBA Name: Fax Number:
Street: 1301 East Douglas Road E-Mail: blynch@schurz.com
City: Mishawaka State: IN
Country: USA Zipcode: 46545 -
Attention: Brian Lynch

2. Contact

Name: Christopher Bjornson Phone Number: 202-429-3059
Company: Steptoe & Johnson LLP Fax Number: 202-429-3902
Street: 1330 Connecticut Ave NW E-Mail: cbjornson@steptoe.com
City: Washington State: DC
Country: USA Zipcode: 20036 -
Contact Title: Relationship:

3. Place of Incorporation of Applicant Indiana

4. Other Company(ies) and Place(s) of Incorporation
Hiawatha Broadband Communications Inc. (Minnesota)

5. Service Type(s) (check all that apply)

- ☐ Global or Limited Global Facilities-Based Authority (Section 63.18(e)(1))
☒ Global or Limited Global Resale Authority (Section 63.18(e)(2))
☐ Individual Facilities-Based Service (Section 63.18(e)(3))
☐ Individual Switched Resale Service (Section 63.18(e)(3))
☐ Individual Facilities-Based and Resale Service (Section 63.18(e)(3))
☐ Switched Services over Private Lines (ISR) (Section 63.16 and/or 63.18 (e)(3))
☐ Inmarsat and Mobile Satellite Service (Section 63.18(e)(3))
☐ Overseas Cable Construction (Section 63.18(e)(3))
☐ Individual Non-Interconnected Private Line Resale Service (Section 63.18(e)(3))
☐ Other (Section 63.18(e)(3))

TYPE OF REQUEST

6. ☒ New Request ☐ Extend STA Date ☐ Other

7. Date Authorization Needed: 12/31/2017

8.

Is a fee submitted with this application?

- ☒ If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).

<input type="radio"/> Governmental Entity <input checked="" type="radio"/> Noncommercial educational licensee <input type="radio"/> Other (please explain):
9. Description of Special Temporary Authority Requested. Grant of this STA request is in the public interest because it will prevent any delays in new investments for Hiawatha.
10. In Attachment 1, provide justification of need for special temporary authority requested.
11. If this request for Special Temporary Authority is associated with any pending applications filed with the Commission, enter either the file number [e.g., ITC-214-19930101-23412] or the IB Submission ID of the pending application [e.g., IB200311111] AND go to question 16.) File Number ITCT/C2017122000224 or Submission ID

Applicant certifies that its responses to questions 11 through 17 are true:

12. If the applicant is a foreign carrier, or is affiliated (as defined in 47 C.F.R. Section 63.09(e)) with a foreign carrier, provide in Attachment 1 the information and certifications required by Section 63.18(i) through (m).	
13. Does the applicant seek authority to provide service to any destination described in paragraphs (1) through (4) of Section 63.18(j)? If yes, list those destinations in Attachment 1 as a response to question 12.	<input type="radio"/> Yes <input checked="" type="radio"/> No
14. Does the applicant seek authority to provide service to any destinations other than those listed in response to question 12 where it has an affiliation with a foreign carrier? If yes, list those destinations in Attachment 1 as a response to question 13.	<input type="radio"/> Yes <input checked="" type="radio"/> No
15. [Section 63.18(h)] In Attachment 2, provide the name, address, citizenship and principal business of the applicant's ten percent or greater direct and indirect shareholders or other equity holders, and identify any interlocking directorates.	
16. In Attachment 1, respond to paragraphs (d), (e)(3) and (g) of Section 63.18.	
17. By checking Yes, the undersigned certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. <i>See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.</i>	<input checked="" type="radio"/> Yes <input type="radio"/> No
18. By checking Yes, the applicant certifies that it has not agreed to accept special concessions directly or indirectly from a foreign carrier with respect to any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.	<input checked="" type="radio"/> Yes <input type="radio"/> No

CERTIFICATION

19. Typed Name of Person Signing Brian Lynch	20. Title of Person Signing Senior Vice President	
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).		
21. 1: Schurz Attachment 1	2: Schurz Attachment 2	3:

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THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

ATTACHMENT 1

RESPONSE TO QUESTION 10

Schurz Communications, Inc. (“Schurz”) and its wholly owned affiliate, Ten Thousand Lakes Broadband, Inc. (“TTLB”) (collectively, the “Applicants”), hereby request Special Temporary Authority (“STA”) to provide service pursuant to the domestic¹ and international² Section 214 authorizations held by Hiawatha Broadband Communications, Inc. and Robert A. Kierlin (collectively, “Hiawatha”) for 60 days pending grant of an application for authority to transfer control of these authorizations to Schurz. The Applicants and Hiawatha filed their application on December 20, 2017.³

The parties entered into an Agreement and Plan of Merger (“Merger Agreement”) to effectuate a merger transaction that will result in Schurz acquiring control of Hiawatha. The Merger Agreement provides for Schurz’s acquisition of Hiawatha through a separate merger subsidiary, TTLB. At the close of the transaction,⁴ TTLB will merge with and into Hiawatha, upon which the separate corporate existence of TTLB will cease. At closing, Hiawatha will become a wholly owned, direct subsidiary of Schurz. All of Hiawatha’s existing operations, license holdings or authorizations that are the subject of this application will remain intact and will continue to support the operation of Hiawatha’s voice and other services.

Grant of this STA request is in the public interest because it will allow Schurz to begin investing in Hiawatha immediately, including using the end-of-the-year period to undertake improvements that might otherwise not occur. Schurz’s investments will permit Hiawatha to continue providing high-quality telecommunications services while gaining access to the additional capital, resources and operational expertise of Schurz.

The parties acknowledge that the grant of this STA will not prejudice or prejudge any action the Commission may take on the underlying application. The parties further acknowledge that this STA can be modified or revoked by the Commission upon its own motion without a hearing.

RESPONSE TO QUESTION 16

Section 63.16(d): Hiawatha holds the international Section 214 authorization that is the subject of this application, File No. ITC-214-20071113-00536.

¹ See Public Notice, DA 14-203 (Feb. 18, 2014).

² See File No. ITC-214-20071113-00536 (granted Jan. 18, 2008).

³ See File No. ITC-T/C-20171220-00224 (filed Dec. 20, 2017).

⁴ The transaction’s closing date is planned as early as December 31, 2017, pending relevant FCC approvals.

Section 63.18(e)(3): Schurz is not applying for authority to acquire facilities or to provide services not covered by Sections 63.18(e)(1) and (e)(2) of the Commission's rules, nor is it seeking additional authority under Section 63.18(e)(3).

Section 63.18(g): Schurz is not applying for authority to acquire facilities covered by Section 63.18(g) of the Commission's rules.

ATTACHMENT 2

RESPONSE TO QUESTION 15

The following entities own or control 10% or more of the Transferee, Schurz, and its wholly owned affiliate, Ten Thousand Lakes Broadband, Inc.:

Name:	Schurz Communications Voting Trust
Address:	1301 E. Douglas Road, Suite 200, Mishawaka, IN 46545
Citizenship:	USA
Principal Business:	Trust
% Equity:	75.17%

Name:	David C. Ray
Address:	17565 Green Oaks Ct., Granger, IN 46530
Citizenship:	USA
Principal Business:	Investment
% Equity:	15.22%

NOTE: There is no other entity or individual with a direct or indirect 10 percent or greater equity or voting interest in Schurz or Ten Thousand Lakes Broadband, Inc.

The following entities own or control 10% or more of the Licensee, Hiawatha Broadband Communications, Inc.:

Name:	Robert A. Kierlin
Address:	P.O. Box 302, Winona, MN 55987
Citizenship:	U.S.
Principal Business:	Communications
% Equity:	62.574% Owner and Manager

Name:	Maritime Heritage Society
Address:	800 Riverview Drive, Winona, MN 55987
Citizenship:	U.S.
Principal Business:	Non-profit educational institution
% Equity:	13.201%

NOTE: There is no other entity or individual with a direct or indirect 10 percent or greater equity or voting interest in Hiawatha Broadband Communications, Inc.