

# Law Offices of Gregory J. Vogt, PLLC

2121 EISENHOWER AVENUE  
SUITE 200  
ALEXANDRIA, VA 22314  
  
www.vogtlawfirm.com

December 17, 2009

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Gregory J. Vogt  
703.838.0115 (office)  
703.684.3620 (fax)  
gvogt@vogtlawfirm.com

**Re: Request for Special Temporary Authority of Iowa Telecommunications Services, Inc., WC Docket No. 09-227**

Dear Ms. Dortch:

Iowa Telecommunications Services, Inc. (“Iowa Telecom”) hereby files this request for special temporary authority (“STA”), pursuant to 47 U.S.C. § 214(a), to allow Direct Communications LLC (“Direct”) to continue to provide the telecommunications services pending action on its Application described below. Iowa Telecom further requests that the STA remain in effect for 60 days.

Iowa Telecom filed an application pursuant to Section 214 of the Communications Act, 47 U.S.C. § 214, dated December 9, 2009 (“Application”), to assign Sherburne Telesystems, Inc.’s (“Sherburne’s”) interest in Direct to an Iowa Telecom subsidiary. The Application, if granted, would constitute the permanent authority to assign the interest in Direct, which is also the subject of this STA.

On July 1, 2009, Iowa Telecom acquired a majority of the shares of Direct and currently holds them in a subsidiary of Iowa Telecom. The transfer of the Direct shares was only part of a larger transaction to assign substantially all of the assets of Sherburne to Iowa Telecom, which included a number of telecommunications assets and customers of other Sherburne subsidiaries. That larger transaction was approved by the Commission, and Iowa Telecom completed that acquisition after such authority was received.<sup>1</sup> Iowa Telecom was unaware at the time it filed its Sherburne application that a small minority of the services provided by Direct were interstate telecommunications services, as opposed to private carrier fiber optic services.

Grant of the STA is in the public interest because it will permit the continued provision of telecommunications service to the ten existing customers of Direct, who are relying on Direct for telecommunications service. Iowa Telecom expects that by the time the customers could locate another service provider, the instant

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<sup>1</sup> Public Notice, *Notice of Domestic Section 214 Authorization Granted*, WC Docket No. 09-20, DA 09-821 (rel. Apr. 13, 2009).

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application for permanent authority will already have been granted. In the meantime, the customers would have no service, which would seriously interfere with their operations. Therefore, terminating service and looking for a new provider is unnecessarily disruptive to these customers.

Iowa Telecom submits that the oversight in seeking FCC authorization to acquire the second third of Direct was inadvertent because Iowa Telecom did not know at the time the application was filed that Direct provided interstate common carrier services. The overall purchase of assets from Direct's parent, Sherburne, was in fact approved by the Commission and Iowa Telecom did not operate any part of Sherburne, other than Direct, without first obtaining Commission authorization to assign those assets. In addition, the fact that Iowa Telecom was purchasing the second third of Direct was disclosed in the Sherburne application.<sup>2</sup>

The Applicant acknowledges that the grant of this STA will not prejudice any action the Commission may take on the underlying application seeking Commission consent to the transfer. The Applicant further acknowledges that this STA may be revoked by the Commission upon its own motion without a hearing.

For the foregoing reasons, the Commission should grant Iowa Telecom's STA to allow it to continue to provide the telecommunications service of Direct. Please let me know if you have any questions.

Sincerely,

/s/ Gregory J. Vogt

Gregory J. Vogt  
Counsel for Iowa Telecommunications Services, Inc.

cc: Jodie May

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<sup>2</sup> Page 2 of Exhibit 1 of the Application shows that Iowa Telecom already owned one-third of Direct Communications indirectly through its Bishop Communications subsidiary prior to the consummation of the Sherburne transaction. Page 3 of Exhibit 1 of the Application shows that Iowa Telecom was purchasing another one-third of Direct Communications as one of the assets of Sherburne (the company labeled "NewCo," was eventually formed with the name IWA MN Holdings, LLC). This same exhibit was included as Exhibit 2 in the Sherburne application in WC Docket No. 09-20. Iowa Telecom, of course, did not identify the telecommunications services offered by Direct at the time of the Sherburne application because it did not know of their existence.