



# PUBLIC NOTICE

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DA 10-1915  
Released: October 5, 2010

## DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF CLEMENTS TELEPHONE COMPANY TO ARVIG ENTERPRISES, INC.

### NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 10-202

**Comments Due: October 19, 2010**

**Reply Comments Due: October 26, 2010**

On September 23, 2010, Clements Telephone Company (Clements) and Arvig Enterprises, Inc. (Arvig) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer control of Clements to Arvig.<sup>1</sup>

Applicants do not seek streamlined processing for this application under section 63.03(b) of the Commission's rules.<sup>2</sup> Clements, a Minnesota corporation, is a rural incumbent local exchange carrier (LEC) serving the Clements exchange in south central Minnesota. The company is owned by the following U.S. citizens and U.S.-based entity, who have family relationships with one another: Linda B. Chambers (49.11%), Michael C. Chambers (0.11%), Lauren S. Beran Trust (12.45%), Mildred B. Sternick (33.33%), and Joe H. Beran (5.00%). Arvig, a Minnesota corporation, provides incumbent LEC, competitive LEC, and long distance services in Minnesota. Arvig owns a one third indirect interest in Hector Communications Corporation, the parent company of Sleepy Eye Telephone Company, an incumbent local exchange carrier. Sleepy Eye Telephone Company serves the Sleepy Eye exchange, which is adjacent to the Clements exchange. Arvig's competitive LEC operations, which are provided by its subsidiary, Tekstar Communications, Inc., do not overlap with the Clements exchange. Because of the incumbent LEC adjacent service areas the Applicants have identified, this application is not entitled to presumptive streamlined treatment.<sup>3</sup>

<sup>1</sup> 47 C.F.R. § 63.03; see 47 U.S.C. § 214. Applicants filed a supplement to their application on October 1, 2010.

<sup>2</sup> 47 C.F.R. § 63.03(b).

<sup>3</sup> 47 C.F.R. § 63.03(b)(2)(iii). Arvig has also filed a domestic section 214 application to acquire the assets of Redwood County Telephone Company and Redwood Long Distance Company. Redwood County Telephone Company is an incumbent LEC serving several exchanges in south central Minnesota. Its Morgan exchange is adjacent to the Clements and Sleepy Eye exchanges. Joint Application of Redwood County Telephone Company and Arvig Enterprises, Inc. for Section 214 Authorization for the Assignment of International and Domestic Telecommunications Resale Authorizations, WC Docket No. 10-201 (filed Sept. 23, 2010).

Allen R. Arvig, a U.S. citizen, owns 29.342% of Arvig, and his family members identified in the application, all U.S. citizens, each own less than 10 percent of the common stock of the company. The Arvig Employee Stock Ownership Plan, a Minnesota entity, owns 36.706% of Arvig. The sole trustee of the Arvig Employee Stock Ownership Plan is Horizon Bank, N.A. d/b/a Horizon Trust and Investment Management, an Indiana entity.

Pursuant to the terms of the proposed transaction, Clements will become a direct, wholly owned subsidiary of Arvig. Applicants state that the proposed transaction is in the public interest because it will be transparent to customers who will benefit from Arvig's financial, managerial, and technical resources in providing high quality, rural local exchange and long distance services.

### **GENERAL INFORMATION**

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a non-streamlined application. The Commission reserves the right to return any transfer of control 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 October 19, 2010** and reply comments **on or before October 26, 2010**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's e-Rulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

Under the Commission's procedures for the submission of filings and other documents, submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
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For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Jodie May at (202) 418-0913.

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