

Stamp and Return

WC 11-174

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

DOCKET FILE COPY ORIGINAL

US BANK/FCC OCT 18 2011

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In the Matter of)
)
 The Estate of Kenneth L. Green)
 Transferor,)
)
 and)
)
 Sandra Green)
 Transferee)
)
 Application for Transfer of Control of La Ward)
 Telephone Exchange, Inc. Pursuant to Section)
 214 of the Communications Act of 1934, as)
 Amended.)

WC Docket No. 11-_____

**APPLICATION FOR CONSENT TO TRANSFER OF CONTROL OF
DOMESTIC SECTION 214 AUTHORIZATION**

The Estate of Kenneth L. Green ("Estate" or "Transferor"), the current shareholder of La Ward Telephone Exchange Inc. ("LTE"), and Sandra Green ("Mrs. Green" or "Transferee") (collectively, the "Applicants"), by their counsel, hereby request authority from the Federal Communications Commission ("FCC" or "Commission") pursuant to Section 214 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 214, and Sections 63.03 and 63.04 of the Commission's rules, 47 C.F.R. §§ 63.03, and 63.04, to transfer control of LTE and its blanket domestic Section 214 authorization from Transferor to Transferee.

I. BACKGROUND

LTE is a rural incumbent local exchange carrier ("ILEC") that provides local exchange telephone service and exchange access in three (3) exchanges in southern Texas. Mrs. Green's husband, Kenneth L. Green, was the sole shareholder of LTE. Upon Mr. Green's death, his interest in LTE became part of his estate. Mrs. Green is the executor of the Estate. By this

application, the parties seek FCC consent to distribute the stock interest in LTE to the beneficiaries of the Estate pursuant to applicable Texas law.

The Applicants respectfully request streamlined treatment of this Application pursuant to Section 63.03 of the Commission's rules. This Application is eligible for presumptive streamlined processing pursuant to Section 63.03(b)(1)(ii) of the Commission's rules because the Transferee is not a telecommunications provider. This Application also is eligible for streamlined treatment under Section 63.03(b)(2)(iii) because (1) the proposed transaction would result in the Transferee having a market share in the interstate, interexchange market of less than 10 percent, (2) the transferee would provide competitive telephone exchange services or exchange access services (if at all) exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the transaction, and (3) LTE is an incumbent independent local exchange carrier that has, and after the proposed transfer of control will continue to have, fewer than two (2) percent of the nation's subscriber lines installed in the aggregate nationwide. Further, since the Transferee is not a telecommunications provider, the Applicants do not have any overlapping or adjacent service areas. The Applicants seek to consummate the proposed transaction prior to December 1, 2011.

II. INFORMATION REQUIRED BY SECTION 63.04 OF THE COMMISSION'S RULES

In accordance with the requirements of Section 63.04(a) of the Commission's rules, the Applicants submit the following information:

1. Name, address and telephone number

Transferor

The Estate of Kenneth L. Green
Sandra Green, Executor
Highway 172
P.O. Box 246
La Ward, Texas 77970

Telephone: 361-872-2211

Facsimile: 361-872-2501

Transferee

Sandra Green
Highway 172
P.O. Box 246
La Ward, Texas 77970

Telephone: (361) 872-2211

Facsimile: (361) 872-2501

2. Citizenship of Business Entity

LTE is a corporation organized under the laws of the State of Texas. FRN: 0004320883.

The Estate of Kenneth L. Green is an estate for purposes of probate under Texas law.

FRN: 0021113410.

Sandra Green is a United States citizen. FRN: 0015545387.

3. Contact Information

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

Transferor:

Terri Green Parker
General Manager
Highway 172
P.O. Box 246
La Ward, Texas 77970

Telephone: (361) 872-2211

Facsimile: (361) 872-2501

With a copy to:

Gregory W. Whiteaker
Herman & Whiteaker, LLC
P.O. Box 341684
Bethesda, MD 20827

Telephone: (202) 600-7274

Facsimile: (202) 706-6056

greg@hermanwhiteaker.com

Counsel for the Estate of Kenneth L. Green

Transferee

Terri Green Parker
General Manager
Highway 172
P.O. Box 246
La Ward, Texas 77970

Telephone: (361) 872-2211
Facsimile: (361) 872-2501

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Telephone: (202) 600-7274
Facsimile: (202) 706-6056
greg@hermanwhiteaker.com

Counsel for Sandra Green

4. Ten percent (10%) Equity Holders

LTE Prior to Transaction:

LTE is a privately-held corporation owned and controlled by the Green family. The name, address, citizenship, and principal business of the entity that presently directly or indirectly owns greater than ten percent (10%) of the equity of LTE is:

Name & Address	Percent Equity/ Voting	Citizenship	Principal Business
Estate of Kenneth L. Green Highway 172 P.O. Box 246 La Ward, Texas 77970	100	Texas	estate

LTE After Consummation of Transaction

Upon distribution of the estate pursuant to Texas law, the shareholders of LTE will be Kenneth L. Green's surviving wife and daughters. The name, address, citizenship, and principal

business of any entity or individual that will directly or indirectly own the greater than ten percent (10%) of the equity of LTE are:

Name & Address	Percent Equity/ Voting Position	Citizenship	Principal Business
Sandra Green Highway 172 P.O. Box 246 La Ward, Texas 77970	60% voting/President	U.S.	Telecommunications
Terri Green Parker Highway 172 P.O. Box 246 La Ward, Texas 77970	20%/Secretary/Tres.	U.S.	Telecommunications
Nelda Green Putnam Highway 172 P.O. Box 246 La Ward, Texas 77970	20%/Director	U.S.	Telecommunications

5. Federal Benefits/Anti-Drug Abuse Act of 1998

As evidenced by the attached certification, the Applicants certify, pursuant to Sections 1.2001 through 1.2003 of the Commission's rules, 47 C.F.R. §§ 1.2001-1.2003, that no party to this application is subject to a 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 Transaction

Kenneth L. Green was the sole shareholder of LTE. Upon his death, all of his stock became a part of the Estate. The proposed transaction entails the transfer of control of LTE from the Estate to Sandra Green. The transaction will be accomplished by the distribution of one hundred percent (100%) of the shares of LTE's common stock from the Estate to Mr. Green's surviving family members pursuant to Texas law. Specifically, the Estate will disburse sixty percent (60%) of LTE's common stock to Sandra Green, and 20% to each of Terri Parker and Nelda Putnam, Mr. and Mrs. Green's daughters. Accordingly, as of the consummation of the

proposed transaction, Sandra Green will acquire control of LTE's domestic 214 authorization. Consummation of the proposed transaction is contingent on receipt of regulatory approval.

LTE will continue to exist and will continue to provide high-quality service to its existing customers without interruption. Any changes in the rates, terms, and conditions of service will be pursuant to applicable law. Accordingly, the proposed transaction and Sandra Green's acquisition of a controlling interest in LTE will be transparent to LTE's customers.

7. Description of the Geographic Areas and Domestic Telecommunications Services Provided

LTE is an independent, privately-held corporation headquartered in La Ward, Texas. LTE provides local exchange and exchange access services as a rural ILEC in three (3) exchanges in southern Texas: La Ward, Lolita, and Port Alto. LTE serves approximately 828 access lines in the three (3) exchanges.

8. Presumptive Streamlined Treatment

As explained above, the transfer of control of LTE qualifies for presumptive streamlined treatment pursuant to Sections 63.03 of the Commission's rules. This Application is eligible for presumptive streamlined processing pursuant to Section 63.03(b)(1)(ii) of the Commission's rules because the Transferee is not a telecommunications provider. This Application also is eligible for streamlined treatment under Section 63.03(b)(2)(iii) because (1) the proposed transaction would result in the Transferee having a market share in the interstate, interexchange market of less than 10 percent, (2) the transferee would provide competitive telephone exchange services or exchange access services (if at all) exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the transaction, and (3) LTE is an incumbent independent local exchange carrier that has, and after the proposed transfer of control will continue to have, fewer than two (2) percent of the nation's subscriber lines installed in the

aggregate nationwide. Further, since the Transferee is not a telecommunications provider, the Applicants do not have any overlapping or adjacent service areas.

9. Other Related Applications Before the Commission

The Applicants have filed an application seeking FCC approval for the transfer of control of an Advanced Wireless Service ("AWS") license, WQGI527, currently held by LTE's sister company, La Ward Cellular Telephone Company, Inc. ("LCT"), *see* File No. 0004877961. LCT and LTE also have filed an application seeking FCC consent to assign the AWS license to LTE following the disbursement of the Estate and resulting transfer of control of LTE and LCT, *see* File No. 0004887841.

10. Statement of Imminent Business Failure

No party to this application is requesting special consideration because of imminent business failure.

11. Separately-Filed Waiver Requests

None.

12. Public Interest Statement

The proposed transaction will serve the public interest, convenience, and necessity by allowing for the orderly probate of the Estate pursuant to Texas law. The Green family will continue to own and operate LTE, and to continue to provide services to its customers as a community-oriented telecommunications company. The Green family has worked for four generations to provide high-quality telecommunications services to its rural customers.

Consistent with precedent, the proposed transaction will serve the public interest, convenience, and necessity by ensuring that LTE will continue to be controlled and managed by individuals with extensive knowledge of the local telephone operations and the needs of the communities it serves, thereby directly benefitting all affected consumers. The proposed

transaction will not adversely affect competition, as the Transferee is not a telecommunications provider.

Accordingly, the Applicants the Commission should expeditiously approval of the proposed transaction.

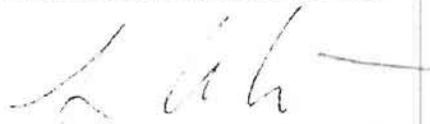
III. CONCLUSION

For the foregoing reasons, the Applicants respectfully request that the Commission process this Applicant pursuant to streamlined procedures and promptly approve the proposed transaction.

Respectfully Submitted,

THE ESTATE OF KENNETH L. GREEN,
SANDRA GREEN, EXECUTOR

SANDRA GREEN



Gregory W. Whiteaker
Herman & Whiteaker, LLC
P.O. Box 341684
Bethesda, MD 20827
(202) 600-7274

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Bethesda, MD 20827
(202) 600-7274

Counsel for the Estate of Kenneth L. Green

Counsel for Sandra Green

October 4, 2011

DECLARATION OF SANDRA GREEN

I, Sandra Green, for myself and in my capacity as Executor of the Estate of Kenneth L. Green, do hereby declare under penalty of perjury the following:

I am the Executor of the Estate of Kenneth L. Green.

I have read the foregoing "Application for Consent to Transfer of Control of Domestic 214 Authorization" (the "Application"). I have personal knowledge of the facts set forth therein, and I believe them to be true and correct.

I certify, pursuant to Sections 1.2001 through 1.2003 of the Commission's rules, 47 C.F.R. §§ 1.2001-1.2003, that no party to the Application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.



Sandra Green
Transferee &
Executor, Estate of Kenneth L. Green

October 4, 2011

Date

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVISE
FORM 159

Approved by OMB
Approved/See
Page No. 1 of 2

(1) ORIGIN #		SPECIAL USE ONLY	
		FCC USE ONLY	
SECTION A - PAYER INFORMATION			
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card)		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents)	
Herman & Whiteaker, LLC		1050.00	
(4) STREET ADDRESS LINE NO. 1			
P.O. Box 341684			
(5) STREET ADDRESS LINE NO. 2			
(6) CITY		(7) STATE	(8) ZIP CODE
Bethesda		MD	20827
(9) DAYTIME TELEPHONE NUMBER (include area code)		(10) COUNTRY CODE (if not in U.S.A.)	
202-600-7272			
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(11) PAYER (FRN)		(12) FCC USE ONLY	
0021223409			
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(13) APPLICANT NAME			
The Estate of Kenneth L. Green			
(14) STREET ADDRESS LINE NO. 1			
P.O. Box 246			
(15) STREET ADDRESS LINE NO. 2			
(16) CITY		(17) STATE	(18) ZIP CODE
La Ward		TX	77979
(19) DAYTIME TELEPHONE NUMBER (include area code)		(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(21) APPLICANT (FRN)		(22) FCC USE ONLY	
0021113410			
COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN OTHER ID	(23A) PAYMENT TYPE CODE	(23A) QUANTITY	
	CDT		
(26A) FEE DUE FOR (FCC)	(27A) TOTAL FEE	FCC USE ONLY	
1050.00	1050.00		
(28A) FCC CODE 1	(29A) FCC CODE 2		
(23B) CALL SIGN OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY	
(26B) FEE DUE FOR (FCC)	(27B) TOTAL FEE	FCC USE ONLY	
(28B) FCC CODE 1	(29B) FCC CODE 2		
SECTION D - CERTIFICATION			
CERTIFICATION STATEMENT I, <u>Herman & Whiteaker</u> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.			
SIGNATURE <u>[Signature]</u>		DATE <u>10/17/14</u>	
SECTION E - CREDIT CARD PAYMENT INFORMATION			
<input type="checkbox"/> MASTERCARD <input type="checkbox"/> VISA <input type="checkbox"/> AMEX <input type="checkbox"/> DISCOVER			
ACCOUNT NUMBER _____		EXPIRATION DATE _____	
I hereby authorize the FCC to charge my credit card for the services described above (as described).			
SIGNATURE _____		DATE _____	

FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE (CONTINUATION SHEET) FORM 159-C Page No. <u>2</u> of <u>2</u>		SPECIAL USE
		FCC USE ONLY
USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT SECTION BB - ADDITIONAL APPLICANT INFORMATION		
(11) APPLICANT NAME Sandra Green		
(14) STREET ADDRESS LINE NO 1 P.O. Box 246		
(15) STREET ADDRESS LINE NO 2		
(16) CITY La Ward	(17) STATE TX	(18) ZIP CODE 77970
(19) DAY TIME TEL. NUMBER (include area code) 361-872-2211		(20) COUNTRY CODE (if not in U.S.A.)
FCC REGISTRATION NUMBER (RN) REQUIRED		
(21) APPLICANT (RN) 0015545387		(22) FCC USE ONLY
COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET		
(23A) CALL SIGN/OTHER ID	(24A) PAYMENT TYPE CODE	(25A) QUANTITY
(26A) FEE DUE FOR (PTC)	(27A) TOTAL FEE	FCC USE ONLY
(28A) FCC CODE 1	(29A) FCC CODE 2	
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY
(28B) FCC CODE 1	(29B) FCC CODE 2	
(23C) CALL SIGN/OTHER ID	(24C) PAYMENT TYPE CODE	(25C) QUANTITY
(26C) FEE DUE FOR (PTC)	(27C) TOTAL FEE	FCC USE ONLY
(28C) FCC CODE 1	(29C) FCC CODE 2	
(23D) CALL SIGN/OTHER ID	(24D) PAYMENT TYPE CODE	(25D) QUANTITY
(26D) FEE DUE FOR (PTC)	(27D) TOTAL FEE	FCC USE ONLY
(28D) FCC CODE 1	(29D) FCC CODE 2	
(23E) CALL SIGN/OTHER ID	(24E) PAYMENT TYPE CODE	(25E) QUANTITY
(26E) FEE DUE FOR (PTC)	(27E) TOTAL FEE	FCC USE ONLY
(28E) FCC CODE 1	(29E) FCC CODE 2	
(23F) CALL SIGN/OTHER ID	(24F) PAYMENT TYPE CODE	(25F) QUANTITY
(26F) FEE DUE FOR (PTC)	(27F) TOTAL FEE	FCC USE ONLY
(28F) FCC CODE 1	(29F) FCC CODE 2	

HERMAN & WHITEAKER, LLC

DONALD L. HERMAN, JR.
GREGORY W. WHITEAKER

TEL 202-600-7272
FAX 202-706-6056
P.O. BOX 341684
BETHESDA, MD 20827

Via Overnight Mail

October 17, 2011

Federal Communications Commission,
c/o U.S. Bank – Government Lockbox # 979091
SL-MO-C2-GL,
1005 Convention Plaza, St. Louis, MO 63101
Attention: FCC Government Lockbox – P.O. Box 979091

**Re: Resubmission of Application for Transfer of Control of
La Ward Telephone Exchange, Inc.
Domestic 214 Authorization**

Dear Ms. Dortch:

Enclosed, on behalf of the Estate of Kenneth L. Green (the "Estate"), the current shareholder of La Ward Telephone Exchange, Inc. ("LTE"), and Sandra Green the proposed transferee (collectively, the "Applicants"), is an original and six (6) copies of the above-referenced application. Also enclosed is a completed Fee Remittance Form 159 and a check in the amount of \$1,050.00, in satisfaction of the required filing fee.

Also enclosed is a return copy of the application. Please date-stamp the return copy and return it in the enclosed, prepaid overnight envelope.

This application originally was sent via overnight courier on October 4, 2011 along with an FCC Form 159 authorizing payment of the filing fee by credit card. Despite the courier obtaining a confirmation signature of delivery, the application has not been located as of today. Accordingly, the Applicants are resubmitting the application while continuing to investigate the whereabouts of the October 4th submission. If the previously filed application is located at U.S. Bank or the Federal Communications Commission ("FCC" or "Commission"), the Applicant should not be charged twice for the filing fee.

In addition to the information contained in the application, the Applicants also clarify that Sandra Green, Terri Parker, and Nelda Putnam do not hold any interest in any other telecommunications carrier. Mrs. Parker currently holds fifty (50%) of the stock of La Ward Communications, Inc. ("LCI"), which provides dial-up and high-speed Internet

access in the area served by LTE. The Estate currently holds the remaining fifty (50%) of the stock, which upon distribution of the Estate will be distributed to Mrs. Green.

Mrs. Parker and Mrs. Putnam also each own seven and one half percent (7.5%) of the stock of La Ward Cellular Telephone Company, Inc. ("LCT"). The Estate also currently holds fifty-five percent (55%) of the stock of LCT. Upon distribution of the Estate, this interest will be distributed to Mrs. Green. LCT holds Advanced Wireless Services license WQGI527 (the "License") for the Victoria, Texas Cellular Market Area ("CMA") (CMA300). This CMA does not overlap the service area of LTE, and LCT currently is not providing any services. In a separately filed application, LCT and LTE have sought FCC consent to assign the License from LCT to LTE.

Finally, the Estate and LCT hold all of the partnership interests in Texas 20 B2 Limited Partnership ("TX20"). TX20 previously held a cellular license and provided cellular service. The cellular license and system have been sold, however, and TX20 currently does not provide any services.

If you have any questions concerning this filing, please contact the undersigned.

Respectfully submitted,



Gregory W. Whiteaker
*Counsel for La Ward Telephone Exchange, Inc.,
the Estate of Kenneth L. Green, and
Sandra Green*

Enclosures

cc: Jodie Donovan-May (via email)