



PUBLIC NOTICE

Federal Communications Commission
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DA 01-715

Released: March 20, 2001

COMMISSION SEEKS COMMENT ON APPLICATION FOR CONSENT TO TRANSFER CONTROL FILED BY CHORUS COMMUNICATIONS, LTD. AND TELEPHONE AND DATA SYSTEMS, INC.

PLEADING CYCLE ESTABLISHED

CC Docket No. 01-73

Comments/Petitions Due: April 19, 2001

Responses/Oppositions to Petitions Due: May 4, 2001

On March 7, 2001, Telephone and Data Systems, Inc. (TDS), and Chorus Communications, Ltd. (Chorus) (collectively Applicants) filed applications pursuant to sections 214 and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 214, 310(d), requesting Federal Communications Commission (Commission) approval to transfer control to TDS of Commission licenses and authorizations held by Chorus and its subsidiaries to provide domestic and international telecommunications services pursuant to parts 22, 63 and 90 of the Commission's rules.¹ Specifically, Applicants request Commission approval to transfer control of wireless licenses and domestic authorizations held by Chorus and its subsidiaries, and international authorizations held by Chorus's subsidiaries, Pioneer Communications, Inc. (Pioneer), and Chorus Networks, Inc. (Chorus Networks), to TDS. Under the terms of the proposed transfer of control, Singer Acquisition Corp. (Singer), a wholly-owned subsidiary of TDS, will merge with and into Chorus, leaving Chorus a wholly-owned subsidiary of TDS. Chorus's subsidiaries will also become wholly-owned indirect subsidiaries of TDS.

¹ See Chorus Communications, Ltd. and Telephone and Data Systems, Inc., Application to Transfer Domestic Blanket Section 214 Authority Held by Chorus and its Subsidiaries to Telephone and Data Systems, Inc. (filed Mar. 7, 2001); Chorus Communications, Ltd. and Telephone and Data Systems, Inc., Application to Transfer Global Resale Authority Held by Chorus Networks, Inc., to Telephone and Data Systems, Inc. (filed Mar. 7, 2001); Chorus Communications, Ltd. and Telephone and Data Systems, Inc., Application to Transfer Global Resale Authority Held by Pioneer Communications, Inc., to Telephone and Data Systems, Inc. (filed Mar. 7, 2001); Applications for Assignments of Authorization and Transfers of Control of Farmers Telephone Company to Telephone and Data Systems, Inc., File No. 0000352422 (filed Feb. 8, 2001); Applications for Assignments of Authorization and Transfers of Control of Pioneer Communications, Inc., to Telephone and Data Systems, Inc., File No. 0000352426 (filed Feb. 8, 2001); Applications for Assignments of Authorization and Transfers of Control of Chorus Networks, Inc. DBA Mid-Plains Communications Systems to Telephone and Data Systems, Inc., File No. 0000334628 (filed Feb. 8, 2001); Applications for Assignments of Authorization and Transfers of Control of Mid-Plains Telephone, Inc., to Telephone and Data Systems, Inc., File No. 0000352428 (filed Feb. 8, 2001).

TDS is a holding company, which through its wholly-owned subsidiary, TDS Telecommunications Corporation (TDS Telecom) and operating subsidiaries, serves approximately 731,000 access lines and access line equivalents in 28 states. In Wisconsin, TDS serves approximately 107,000 access lines in 158 communities through its 16 incumbent local exchange carriers (LECs). In Minnesota, TDS Telecom serves approximately 34,140 access lines through its incumbent LEC subsidiaries, and 49,900 access lines through a competitive LEC, USLink. Chorus, through its incumbent LEC and competitive LEC subsidiaries, provides local exchange services in Wisconsin and Minnesota. Chorus's incumbent LEC subsidiaries, Mid-Plains, Inc. (Mid-Plains), Farmers Telephone Company and Dickeyville Telephone Corporation, serve 36,202, 7,273 and 1,463 access lines, respectively. Chorus Networks, a CLEC owned by Chorus, serves 1,529 access lines in Wisconsin, 1,127 of which are resale lines. HBC Telecom, a Chorus competitive LEC, serves 727 access lines in Minnesota. TDS and Chorus's subsidiaries also provide long distance service.

The Applicants assert that the purchase of Chorus by TDS will promote efficient, high-quality services and competition in local and long distance telephone services in Wisconsin and Minnesota. Applicants further state that the proposed transaction will have no adverse effect upon competition in the provision of domestic, interstate telecommunications services in Wisconsin or Minnesota. Applicants also assert that the proposed transaction will affect only a small percentage of each of Wisconsin's and Minnesota's access lines, and a de minimis percentage of each state's long distance customers.

EX PARTE STATUS OF THIS PROCEEDING

Pursuant to 47 C.F.R. § 1.200(a), which permits the Commission to adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires, we announce that this proceeding will be governed by "permit-but-disclose" *ex parte* procedures under 47 C.F.R. § 1.1206.

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in Section 1.206(b) as well. Interested parties are to file with the Commission Secretary, Magalie Roman Salas, 445 12th Street, S.W., TW-B204, Washington, D.C. 20554, and serve Janice Myles, Common Carrier Bureau, 445 12th Street, S.W., 5-C327, Washington, D.C. 20554; Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., 8-A820, Washington, D.C. 20554; and International Transcription Service (ITS), 445 12th Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800, with copies of any written *ex parte* presentations in this proceeding in the manner specified above. In addition, copies of summaries of oral *ex parte* presentations should be served on Commission staff with whom the parties have met.

TRANSFER OF CONTROL APPLICATIONS

The applications for transfer of control listed below include wireless licenses and domestic and international authorizations. Below is a non-exhaustive list of the authorizations and license applications involved in this transaction. Interested parties should refer to the Applications for Consent to Transfer Control filed in CC Docket No. 01-73 for a complete listing of Chorus's licenses and authorizations.

SECTION 310 APPLICATIONS²

Part 22 — Paging and Radiotelephone Service

The following application for consent to transfer control from Chorus to TDS has been assigned the following file number.

<u>File Number</u>	<u>Licensee</u>	<u>Call Sign</u>
0000352422	Farmers Telephone Company	KDS392

Part 90 — Specialized Mobile Radio Service

The following application for consent to transfer control from Chorus to TDS has been assigned the following file number.

<u>File Number</u>	<u>Licensee</u>	<u>Call Sign</u>
0000352426	Pioneer Communications, Inc.	WNXZ739 ³

Part 90 — Industrial/Business Radio Service

The following applications for consent to transfer control from Chorus to TDS have been assigned the following file numbers.

<u>File Number</u>	<u>Licensee</u>	<u>Call Sign</u>
0000334628	Chorus Networks, Inc. DBA Mid-Plains Communications Systems	KD27323
0000352428	Mid-Plains Telephone, Inc.	KSK336

² Chorus holds an indirect controlling interest in PCS Wisconsin, LLC, the Madison, Wisconsin personal communications service (PCS) F block licensee, and an 18 percent interest in Madison SMSA Limited Partnership, the Madison, Wisconsin MSA wireline cellular licensee. Chorus states that TDS would be precluded from acquiring both interests pursuant to the Commission's transfer eligibility and cellular cross-ownership rules. *See* 47 C.F.R. §§ 24.839, 22.942. As a result, Chorus states that it will divest those interests prior to the closing of the instant transaction.

³ On January 26, 2001, Chorus filed an application seeking Commission consent to the transfer of control of Paging and Radiotelephone Service station WNXZ739, and a request for special temporary authority ("STA") to operate station WNXZ739 pending Commission processing of the transfer of control application. *See* File No. 0000340709; WTB Report No. 768 (rel. Jan. 31, 2001). According to Chorus, this license was inadvertently left out of the transfer of control applications made in connection with the 1997 merger of Pioneer and Mid-Plains, pursuant to which Pioneer and Mid-Plains became subsidiaries of Chorus. On January 30, 2001, the Wireless Telecommunications Bureau granted Chorus' request for STA.

STREAMLINED INTERNATIONAL SECTION 214 APPLICATIONS

Part 63—International Service (47 C.F.R. § 63.18)

The applications listed below for consent to transfer control to TDS of international section 214 authority held by two subsidiaries of Chorus have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications are for authority under section 214 of the Communications Act, 47 U.S.C. § 214, to transfer control of section 214 authorizations for international global resale, as specified below. These applications can be removed from streamlined processing only at the sound discretion of Commission staff. The filing of comments or of petitions to deny will not necessarily result in the applications being deemed ineligible for streamlined processing.

Streamlined grant of these applications is conditioned upon Applicants' agreement not to transfer these authorizations unless and until the Commission grants the related domestic section 214 and wireless transfer applications. Streamlined grant would in no way prejudice the outcome of the pending domestic section 214 and wireless transfer applications.

<u>File Number</u>	<u>Authorization Holder</u>	<u>Authorization Number</u>
ITC-T/C-20010307-00128	Pioneer Communications, Inc.	ITC-90-145
Request for transfer of control of international global resale authorization.		
ITC-T/C-20010307-00129	Chorus Networks, Inc., f/k/a Mid-Plains Communications Systems, Inc.	ITC-94-239
Request for transfer of control of international global resale authorization.		

DOMESTIC SECTION 214 APPLICATION

Part 63 – Domestic Service (47 C.F.R. § 63.01)

TDS and Chorus have filed a joint application pursuant to section 214 for TDS to acquire and operate domestic transmission lines held by Chorus and its subsidiaries—which include Mid-Plains, Inc., The Farmers Telephone Company, Dickeyville Telephone Corporation, HBC Telecom, Inc., Chorus Networks, Inc. and Pioneer Communications, Inc.

GENERAL INFORMATION

The transfer of control requests identified herein have been found, upon initial review, to be acceptable for filing. 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. Final action will not be taken on the applications earlier than 31 days following the date of this Public Notice. Interested parties may file comments or petitions to deny on or before **April 19, 2001**. Oppositions or responses to these comments and petitions to such pleadings may be filed no later than **May 4, 2001**.

All filings concerning any or all matters in this Public Notice should refer to **CCB Docket No. 01-73**. An original and 4 copies of all pleadings, in accordance with Section 1.51(c) of the Commission's rules, 47 C.F.R. § 1.51(c), must be filed with the Commission's Secretary, Magalie Roman Salas, 445 12th Street, S.W., TW-B204, Washington, D.C. 20554. In addition, one copy of each pleading must be delivered to each of the following: (1) International Transcription Service, Inc. (ITS), 445 12th Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800; (2) Janice Myles, Common Carrier Bureau, 445 12th Street, S.W., 5-B145, Washington, D.C. 20554; (3) Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., 8-A820, Washington, D.C. 20554; (4) John Branscome, Commercial Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., 4-A161 Washington D.C. 20554; and (5) Jeff Tobias, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., 2-C828, Washington, D.C. 20554.

In addition to filing paper comments, parties may also file comments using the Commission's Electronic Comment Filing System (ECFS). *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24,121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties are also encouraged to file a copy of all pleadings on a 3.5 inch diskette in an IBM-compatible format using Microsoft Word 97 for Windows software in "read only" mode. Diskette submissions should be in addition to and not a substitute for, the hard copy filing requirement reviewed above. All diskettes should be clearly labeled with : (1) the party's name; (2) the name of the proceeding and docket number; (3) the type of filing submitted (*e.g.*, comments or oppositions); and (4) the date of submission. The diskettes should be accompanied by a cover letter and filed with CeCi Stephens, Policy and Program Planning Division, Common Carrier Bureau, 445 12th Street, S.W., 5-C140, Washington, D.C. 20554.

Copies of the applications and any subsequently filed documents in this matter may be obtained from International Transcription Service, Inc. (ITS), 445 12th Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800. The applications and documents are also available for public inspection and copying during normal reference room hours at the Commission's Reference Information Center, 445 12th Street, S.W., CY-A257, Washington, D.C. 20554.

For further information, contact Aaron Goldberger, Policy and Program Planning Division, Common Carrier Bureau at (202) 418-1580.