



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet <http://www.fcc.gov>
<ftp.fcc.gov>

DA 06-950

Released: April 28, 2006

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF
ASSETS OF YORKVILLE TELEPHONE COOPERATIVE, INC. AND
YORKVILLE COMMUNICATIONS, INC. BY WEST KENTUCKY RURAL
TELEPHONE COOPERATIVE CORPORATION, INC. AND
WEST KENTUCKY NETWORKS, INC. DBA WK.NET**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 06-86

Comments Due: May 12, 2006

Reply Comments Due: May 19, 2006

On April 11, 2006, Yorkville Telephone Cooperative, Inc. ("YTC") and Yorkville Communications, Inc. ("YCI") and West Kentucky Rural Telephone Cooperative Corporation, Inc. ("WKT") and West Kentucky Networks, Inc. d/b/a wk.net ("WKN") (collectively "Applicants"), filed an application, pursuant to section 63.04 of the Commission's rules, requesting authority to assign certain telecommunications assets, including domestic Section 214 authorizations, from YTC to WKT, and from YCI to WKN, respectively, in the context of related asset purchase agreements.²

The Applicants assert that this transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(iii) of the Commission's rules³ because it would result in: (1) WKN, after absorbing YCI's customer base, having a market share in the interstate, interexchange market of less than 10 percent; and (2) YTC and WKT are local exchange carriers

¹ 47 C.F.R. § 63.04; see 47 U.S.C. § 214.

² Applicants are also filing applications for transfer of control associated with authorization for international and wireless services. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications.

³ 47 C.F.R. § 63.03(b)(2)(iii).

("LECs") that collectively serve fewer than two (2) percent of the nation's subscriber lines, and there are no overlapping or adjacent service areas.⁴

YTC and YCI are organized under the laws of the State of Tennessee. YTC is a cooperative rural LEC that provides local exchange and exchange access service to approximately 1800 access lines in rural portions of Dyer, Gibson and Obion Counties in West Tennessee.⁵ YCI, a cooperative organization, provides intrastate, interstate and international long distance services, as well as cellular service in Henry and Weakley Counties, Tennessee.⁶ YCI is the wholly-owned subsidiary of YTC and no single member of YTC holds directly or indirectly an interest of 10 percent or more.

WKT and WKN are organized under the laws of the Commonwealth of Kentucky. WKT is a cooperative rural LEC providing local exchange and exchange access service to approximately 18,000 access lines in rural portions of Calloway, Carlisle, Graves, Hickman, Marshall and McCracken Counties, Kentucky, and in Henry and Weakley Counties, Tennessee.⁷ WKN provides intrastate, interstate and international long distance services to the LEC service area of its parent, WKT. WKN is the wholly-owned subsidiary of WKT and no single member of WKT holds directly or indirectly an interest of 10 percent or more, nor will any member hold 10 percent or more after consummation of the transaction.

The Applicants have entered into an agreement whereby YTC will sell all assets related to the provision of local exchange and exchange access services to WKT, and all assets related to the provision of wireless telecommunications services and to WKN. In addition, YCI has entered into an agreement contemplating the sale of all of its operating assets, including those related to wireless, long distance and information services, to WKN. The asset sale agreements contemplate simultaneous closing. Upon consummation of the proposed transactions, the former members/local exchange subscribers of YTC will become members/subscribers of WKT, initially receiving services under the same rates, terms and conditions as are currently in force for those exchanges. Similarly, all former customers of YCI will become customers of WKN, receiving the same services initially without modification of current rates, terms or conditions. Following consummation, YCI and YTC will wind up their respective affairs and dissolve.

⁴ Applicant has certified that no Applicant or affiliate of an Applicant provides any competitive telephone exchange services or competitive exchange access service. Although this transaction involves overlapping wireless service in Henry and Weakley Counties in Tennessee, we accept this application for streamlined processing because the Applicants' domestic wireline telephone service territories are neither overlapping nor adjacent.

⁵ YTC provides cellular service within portions of its telephone exchange service area in Dyer, Gibson and Obion Counties, Tennessee.

⁶ YCI also provides unregulated internet services within the area served by its LEC parent, YTC.

⁷ The Applicants note that existing YCI cellular service are coextensive with portions of WKT local exchanges services.

The Applicants state that the proposed transaction will serve the public interest because WKT and WKN have the technical, financial and managerial capabilities to provide quality service to current YTC and YCI customers. The Applicants claim that, because the contemplated transition will not result in any service interruption, and because existing WKT and WKN customers initially will receive service at the same rates, terms and conditions as they currently receive, the transaction will be virtually transparent to customers. The Applicants expect the proposed transaction will allow for improvement and expansion of telecommunications services within existing service areas, the payoff of existing debt, and enable existing customers of both rural companies to experience the benefit of efficiencies in operations.

GENERAL INFORMATION

The transfer of assets identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file **comments on or before May 12, 2006 and reply comments on or before May 19, 2006.**⁸ Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- **For ECFS filers,** if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **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.

⁸ See 47 C.F.R. § 63.03(a).

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

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

You may submit comments, identified by the above noted docket number, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A103, Washington, D.C. 20554; email: tracey.wilson-parker@fcc.gov;
- (3) Denise Coca, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C260, Washington, D.C. 20554; e-mail: denise.coca@fcc.gov;
- (4) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov;

(5) Jeffrey Tobias, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room 3-A432, Washington, D.C. 20554; e-mail: jeff.tobias@fcc.gov, and

(6) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: james.bird@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpiweb.com.

For further information, please contact Tracey Wilson-Parker at (202) 418-1394, or Denise Coça at (202) 418-0574.

- FCC -