



PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>

DA 24-944
Released: September 13, 2024

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE
ACQUISITION OF CERTAIN ASSETS OF NEMONT TELEPHONE COOPERATIVE, INC.
AND MISSOURI VALLEY COMMUNICATIONS, INC.
BY NORTHWEST COMMUNICATIONS COOPERATIVE, INC.**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 24-268

Comments Due: September 27, 2024
Reply Comment Due: October 4, 2024

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Nemont Telephone Cooperative, Inc. (Nemont) and its subsidiary, Missouri Valley Communications, Inc. (MVC) (together Transferors) and Northwest Communications Cooperative, Inc. (NCC or Transferee) (collectively, Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,¹ requesting consent for the transfer of Study Area Code 382247 (Study Area) located in North Dakota from Transferors to NCC.²

Nemont, a Montana cooperative association, provides services as a rural cooperative incumbent local exchange carrier (LEC).³ Nemont offers local telecommunications services and high-speed Internet access services that serve Division 1 of the Study Area – the portion of the Study Area that includes customers served by the Ambrose, Fortuna, and East Westby Exchanges.⁴

MVC, a North Dakota corporation, is a wholly-owned subsidiary of Nemont that provides services as a rural incumbent LEC corporation.⁵ MVC offer local telecommunications and high-speed

¹ See 47 U.S.C. § 214(a); 47 CFR §§ 63.03-04.

² See Domestic Section 214 Application for Acquisition of Certain Assets of Nemont Telephone Cooperative, Inc. and its Subsidiary Missouri Valley Communications, Inc. to Northwest Communications Cooperative, Inc., WC Docket No. 24- (filed Aug. 27, 2024) (Application). Applicants state that they also filed an application for the transfer of international authorizations. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

³ Application at 2, 3.

⁴ *Id.* at 4, 8.

⁵ *Id.* at 2, 3.

Internet access services that serve Division 2 – the portion of the Study Area that includes customers served by the Williston Exchange.⁶

NCC, is a North Dakota cooperative association, provides services as a rural incumbent LEC.⁷ NCC offers local telecommunications services and high-speed Internet access services over an all-fiber communications network to its entire study area, which includes the exchanges of Alamo, Bowbells, Columbus, Crosby, Epping, Flaxton, Grenora, Lignite, Marmon, McGregor, Noonan, Portal, Powers Lake, Ray, Round Prairie, Tioga, and Wildrose, in the state of North Dakota.⁸ NCC is owned by its member-subscribers, with no individual holding more than 10% of the equity interest in NCC.⁹ NCC's Board of Directors controls NCC, and all of the Board members are U.S. citizens.¹⁰

Pursuant to the terms of the proposed transaction, NCC would acquire all assets, property, rights, and interest from Transferors to provide voice and internet services to customers in the telecommunications and broadband network exchanges and local exchange telephony located within the Study Area.¹¹ The Study Area is comprised of two “divisions.”¹² One division (Division 1) is owned and operated by Nemont and provides voice and internet services to customers in and around the communities of Ambrose, Fortuna, and East Westby (the Ambrose, Fortuna, and East Westby Exchanges) while the second division (Division 2) is owned and operated by MVC and provides voice and internet services to customers in and around the communities of Williston and Trenton (the Williston Exchange).¹³ The result of the proposed transaction would be that the Study Area will become part of NCC's service area and will provide services to customers in the Study Area.¹⁴

Applicants assert that the proposed transaction would serve the public interest, convenience, and necessity by ensuring that rural North Dakota residents and businesses in the Study Area will receive enhancements and upgrades to telecommunications and broadband services as efficiently and timely as possible.¹⁵ The Applicants state that the transaction will be seamless for consumers for the services offered as NCC will continue to provide and enhance the telecommunications and high-speed Internet access currently offers.¹⁶ Applicants further state that Nemont's customers “will not experience any immediate change to rates, terms, or conditions of service, and in no event will the transaction result in the interruption, reduction, loss, or impairment of service.”¹⁷ Applicants assert that the proposed

⁶ *Id.* at 8.

⁷ *Id.* at 2, 6.

⁸ *Id.* at 2, 8.

⁹ *Id.* at 6.

¹⁰ *Id.*

¹¹ *Id.* at 2, 7.

¹² *Id.* at 1.

¹³ *Id.* at 1-2.

¹⁴ *Id.* at 7.

¹⁵ *Id.* at 10.

¹⁶ *Id.* at 2, 10.

¹⁷ *Id.* at 10.

transaction will also have no adverse effects on competition in the Study Area since there is no overlap between the Applicants' service areas.¹⁸

Because the proposed transaction would involve the exchange and assumption of Universal Service Fund high-cost mechanism obligations, in order to sufficiently analyze whether the proposed transaction would serve the public interest, we accept the Application for non-streamlined processing.¹⁹

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Nemont Telephone Cooperative, Inc. and Missouri Valley Communications, Inc. by Northwest Communications Cooperative, Inc., WC Docket No. 24-268 (filed Aug. 27, 2024).

GENERAL INFORMATION

The application identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies.

Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 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).

In addition, e-mail one copy of each pleading to each of the following:

- 1) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 2) David Krech, Office of International Affairs, david.krech@fcc.gov; and

¹⁸ *Id.* at 11.

¹⁹ 47 CFR § 63.03(c)(1)(v).

- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

The proceeding in this Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the application in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.²⁰ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

For further information, please contact Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, at dennis.johnson@fcc.gov.

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²⁰ See 47 CFR § 1.45(c).