

January 10, 2014

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, N.W.  
Washington, DC 20554

Attn: Jodie May, Competition Policy Division  
Wireline Competition Bureau

Re: **WC Docket No. \_\_\_\_\_ (To be assigned)**  
**Request for Domestic Section 214 Special Temporary Authority**

Dear Ms. Dortch:

Simultaneously with this request, Hiawatha Broadband Communications, Inc. (“HBC”) and Robert A. Kierlin (“Mr. Kierlin” or “Transferee”) (HBC and Transferee are jointly referred to as “Applicants”), by their undersigned counsel, and pursuant to Section 214 of the Communications Act, as amended, 47 U.S.C. §214, and Section 63.04 of the Commission’s rules, 47 C.F.R. §63.04, have filed an application for Section 214 authorization for the current ownership and control of HBC following a transfer of control by which Mr. Kierlin’s stock ownership interest in HBC increased above the 50% level on April 1, 2012 (the “Application”). By this letter the Applicants request Special Temporary Authorization (“STA”) as immediate authorization for HBC to continue operations under the control of Mr. Kierlin as the majority stockholder of the company.

#### **A. Background Information**

HBC (FRN 0003785318) is a corporation organized under the laws of Minnesota. Its address is 58 Johnson Street, Winona, MN 55987.

Mr. Kierlin (FRN 0023260136) is an individual and a United States citizen. His address is PO Box 302, Winona, MN 5598736089.

HBC is a competitive local exchange carrier. HBC holds blanket domestic Section 214 authority to provide interstate interexchange telecommunications services. HBC provides interstate interexchange and international telecommunications services to customers in Minnesota.

#### **B. Transfer of Control of HBC**

As explained in the companion application, Mr. Kierlin held 41.44% of HBC’s stock in 2007 when the HBC obtained international Section 214 authorization from the Commission. In 2011, Mr. Kierlin obtained a convertible note from HBC in return for a loan of funds to the

company. That note was converted to stock of HBC on April 1, 2012, a transaction that increased Mr. Kierlin's stock ownership interest to 57.1%. On July 27, 2012, and September 4, 2012, Mr. Kierlin made additional equity investments in HBC. He currently owns 61.31% of HBC's stock.

HBC and Mr. Kierlin did not did not recognize the need for prior Commission approval of that stock issuance which resulted in Mr. Kierlin owning more than 50% of HBC stock and a transfer of control of the company.

HBC has operated continuously under the control of the same shareholder group that includes Mr. Kierlin, and under the management of the same board of directors and management team, with no change in operations resulting from the stock ownership change that is the subject of this STA request.

### **C. Public Interest Statement**

By this letter, STA is requested to permit a continuation of interstate interexchange telecommunications services by HBC while applications for authorization of the current ownership and control are under review by Commission staff. Grant of the requested STA will serve the public interest, convenience and necessity because it will permit the continued provision of service by HBC without interruption to customers while the Commission staff considers an application for the current ownership and control of HBC.

Customers rely upon HBC for telecommunications service and would be adversely impacted if there is a disruption of service while the companion application is processed.

The parties to this STA request acknowledge that grant of this request will not prejudice any action the Commission may take on the companion application for Commission authorization of the current ownership and control of HBC. The parties to this STA request further acknowledge that STA may be revoked by the Commission upon its own motion without a hearing. Applicants acknowledge that grant of this STA request and the Application will not preclude enforcement action for the unauthorized transfer of control.

Accordingly, favorable action on this STA request is consistent with public interest considerations. If any further information is needed please communicate with this office.

Respectfully submitted,



David L. Nace

cc: Jodie May (FCC, by email)  
Tracey Wilson (FCC, by email)  
Myrva Charles (FCC, by email)  
Dennis Johnson (FCC, by email)