

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

ATTACHMENT 1

RESPONSE TO QUESTION 10

Schurz Communications, Inc. (“Schurz”) and its wholly owned affiliate, Ten Thousand Lakes Broadband, Inc. (“TTLB”) (collectively, the “Applicants”), hereby request Special Temporary Authority (“STA”) to provide service pursuant to the domestic¹ and international² Section 214 authorizations held by Hiawatha Broadband Communications, Inc. and Robert A. Kierlin (collectively, “Hiawatha”) for 60 days pending grant of an application for authority to transfer control of these authorizations to Schurz. The Applicants and Hiawatha filed their application on December 20, 2017.³

The parties entered into an Agreement and Plan of Merger (“Merger Agreement”) to effectuate a merger transaction that will result in Schurz acquiring control of Hiawatha. The Merger Agreement provides for Schurz’s acquisition of Hiawatha through a separate merger subsidiary, TTLB. At the close of the transaction,⁴ TTLB will merge with and into Hiawatha, upon which the separate corporate existence of TTLB will cease. At closing, Hiawatha will become a wholly owned, direct subsidiary of Schurz. All of Hiawatha’s existing operations, license holdings or authorizations that are the subject of this application will remain intact and will continue to support the operation of Hiawatha’s voice and other services.

Grant of this STA request is in the public interest because it will allow Schurz to begin investing in Hiawatha immediately, including using the end-of-the-year period to undertake improvements that might otherwise not occur. Schurz’s investments will permit Hiawatha to continue providing high-quality telecommunications services while gaining access to the additional capital, resources and operational expertise of Schurz.

The parties acknowledge that the grant of this STA will not prejudice or prejudge any action the Commission may take on the underlying application. The parties further acknowledge that this STA can be modified or revoked by the Commission upon its own motion without a hearing.

RESPONSE TO QUESTION 16

Section 63.16(d): Hiawatha holds the international Section 214 authorization that is the subject of this application, File No. ITC-214-20071113-00536.

¹ See Public Notice, DA 14-203 (Feb. 18, 2014).

² See File No. ITC-214-20071113-00536 (granted Jan. 18, 2008).

³ See File No. ITC-T/C-20171220-00224 (filed Dec. 20, 2017).

⁴ The transaction’s closing date is planned as early as December 31, 2017, pending relevant FCC approvals.

Section 63.18(e)(3): Schurz is not applying for authority to acquire facilities or to provide services not covered by Sections 63.18(e)(1) and (e)(2) of the Commission's rules, nor is it seeking additional authority under Section 63.18(e)(3).

Section 63.18(g): Schurz is not applying for authority to acquire facilities covered by Section 63.18(g) of the Commission's rules.