



PUBLIC NOTICE

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NOTICE OF REMOVAL OF DOMESTIC SECTION 214 APPLICATION FROM STREAMLINED TREATMENT

WC Docket No. 03-150

The application listed in this notice has been removed from streamlined treatment pursuant to the Commission's streamlined procedures for domestic section 214 transfer of control applications.¹ Section 63.03(c)(5) of the Commission's rules provides that at any time after an application is filed, the Commission, acting through the Chief of the Wireline Competition Bureau, may notify an applicant that its application is being removed from streamlined processing, where the Commission "determines that the application requires further analysis to determine whether a proposed transfer of control would serve the public interest."²

On July 7, 2003, the Commission released a public notice accepting for streamlined processing a domestic section 214 application involving the acquisition of assets of Touch America, Inc. by 360networks (USA), Inc.³ On July 18, 2003, the parties filed with the Commission a section 310(b)(4) petition for declaratory ruling and a wireless application wherein 360networks seeks to acquire 94 common carrier microwave stations and 25 local multipoint distribution service licenses from Touch America pursuant to an asset purchase agreement between the parties.⁴ This application is being removed from streamlined review because the Commission will not have completed its section 310(b)(4) foreign ownership review in connection with the proposed transaction before the date that this application would be deemed granted under the Commission's streamlining rules.⁵ Final action on the application

¹ 47 C.F.R. § 63.03; *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, 17 FCC Rcd 5517 (2002) (*Streamlining Order*).

² See 47 C.F.R. § 63.03(c)(1)(v).

³ *Domestic Section 214 Application Filed for Acquisition of Assets of Touch America, Inc. by 360networks (USA), Inc.*, WC 03-150, Public Notice, DA 03-2220 (rel. July 7, 2003).

⁴ See 47 U.S.C § 310(b)(4).

⁵ Applicants did not indicate that they were also filing a section 310(b)(4) application for approval of foreign ownership, and applications for numerous wireless license transfers, in connection with the proposed transaction. See 47 C.F.R. § 63.04(a)(9) (requiring domestic transfer of control applications to identify "all other

should be expected no later than 180 days from public notice that the application was accepted for filing.⁶

1. Domestic Section 214 Application Filed for Acquisition of Assets of Touch America, Inc. by 360networks (USA) Inc., **WC Docket No. 03-150**, DA 03-2220 (rel. July 7, 2003).

For further information, please contact Tracey Wilson, at (202) 418-1394 or Bill Dever, Competition Policy, Wireline Competition Bureau at (202) 418-1578.

Commission applications related to the same transaction.”); *Streamlining Order*, 17 FCC Rcd at 5529-30, para. 23.

⁶ See 47 C.F.R. § 63.03(c)(2).