



PUBLIC NOTICE

Federal Communications Commission
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DA 04-680
Released: March 11, 2004

DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL OF MULTIBAND COMMUNICATIONS, LLC TO TRANSARIA, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 04-43

Comments Due: March 25, 2004

Reply Comments Due: April 1, 2004

On February 12, 2004, Multiband Communications, LLC (Multiband) and TransAria, Inc. (TransAria), pursuant to sections 63.03 and 63.04 of the Commission's rules,¹ filed an application to transfer control of the authority granted to MultiBand under Section 214 of the Communications Act to TransAria.

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(i) of the Commission's rules because the proposed transaction would result in the transferee having a market share in the interstate, interexchange market of less than 10 percent; the transferee would provide competitive telephone exchange services or exchange access services exclusively in geographic areas served by a dominant local exchange carrier that is not a party to this transaction; and neither of the Applicants is dominant with respect to any service.²

MultiBand, a Delaware limited liability company, provides digital subscriber line (DSL) service through a combination of its own facilities and unbundled network elements to approximately 2,100 customers in Montana where Qwest is the incumbent local exchange carrier

¹ 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

² 47 C.F.R. § 63.03(b)(2)(i); *see* 47 C.F.R. § 63.03(b)(3) ("For purposes of (b)(1) and (2) of this paragraph, the terms 'applicant,' 'carrier,' 'party,' and 'transferee' (and their plural forms) include any affiliates of such entities within the meaning of section 3(1) of the Communications Act of 1934, as amended.")

(ILEC). MultiBand also operates wireless distribution points in Bozeman and Missoula. MultiBand also provides dial-up service in Montana to approximately 1,000 customers. Additionally, MultiBand provides additional services such as web-hosting, collocation, network integration, and on-site computer repair.

TransAria, a Delaware C-Corp, is a broadband services provider with approximately 170 customers in Montana and 450 customers in Alaska. TransAria operates wireless distribution points in 8 markets in Montana (Bozeman, Butte, Billings, Livingston, Missoula, Great Falls, Helena, and Kalispell) and the Fairbanks market in Alaska. TransAria also provides wireless cable television service to approximately 2,800 customers and wireless internet access to approximately 500 customers in Fairbanks through its wholly-owned subsidiary, Alaska Wireless Cable. TransAria provides broadband service via wireless and DSL in addition to providing web hosting, co-location and network management services. The only person or entity that directly or indirectly owns 10 percent or more of TransAria is Roger Lang, Chairman of TransAria.

Under the proposed transaction, MultiBand will merge into a wholly owned subsidiary of TransAria with MultiBand surviving as a wholly owned subsidiary of TransAria. All of the equity holders of MultiBand will receive shares of common stock of TransAria in exchange for their equity interests in MultiBand. The Applicants assert there will be no interruption of services to the public as a result of the proposed sale.

The Applicants assert that the proposed transaction would serve the public interest because TransAria is a broadband services provider, and the transaction will enhance the TransAria's ability to provide broadband and ISP service to customers in the state of Montana. Moreover, the Applicants assert that the proposed transaction will not harm competition as neither Applicant is a dominant carrier in any of the markets served.

GENERAL INFORMATION

The transfer of control application 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 of control 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 by March 25, 2004** and **reply comments by April 1, 2004**.³ Unless otherwise notified by the Commission, Applicants are permitted to transfer on the 31st day after the date of this notice.⁴ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

³ See 47 C.F.R. § 63.03(a).

⁴ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters 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 for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

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, commenters must submit two additional copies for each additional docket or rulemaking number. 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). The Commission's contractor, Natek, Inc., 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

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

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893;
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: twilson@fcc.gov;
- (3) Gail Cohen, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A103, Washington, D.C. 20554; e-mail: gail.cohen@fcc.gov;
- (4) Julie Veach, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C124, Washington, D.C. 20554; e-mail: julie.veach@fcc.gov;

(5) Christopher Killion, Office of General Counsel, 445 12th Street, S.W., Room 8-C740, Washington, D.C. 20554; e-mail: christopher.killion@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, SW, Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Gail Cohen at (202) 418-0939.

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