



PUBLIC NOTICE

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DA 06-1036
Released: May 15, 2006

NOTICE OF REMOVAL OF DOMESTIC SECTION 214 APPLICATION FROM STREAMLINED TREATMENT

WC Docket No. 06-75

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)(v) 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

Domestic Section 214 Application Filed for Transfer of Control of Everest Midwest, LLC from Aquila, Inc. to Everest Connections Holdings, Inc., WC Docket No. 06-75

On April 20, the Commission released a public notice accepting for streamlined processing a domestic section 214 application involving Aquila, Inc. ("Aquila") and Everest Connections Holdings, Inc. ("Everest Connections Holdings") (collectively, the "Applicants"). Specifically, the Applicants request authority to transfer control of Everest Midwest, LLC from Aquila to Everest Connections Holdings.³ On May 2, 2006, the Department of Justice, including the Federal Bureau of Investigation, with the concurrence of the Department of Homeland Security (collectively, the "Executive Branch Agencies") filed with the Commission a letter requesting that the Commission defer grant of this application while the Executive Branch Agencies address potential national security, law enforcement, and public safety concerns.⁴

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 the Transfer of Control of Everest Midwest, LLC from Aquila, Inc. to Everest Connections Holdings, Inc.*, WC Docket No. 06-75, Public Notice, DA 06-915 (rel. Apr. 20, 2006).

⁴ See Letter from Laura H. Parsky, Deputy Assistant Attorney General, United States Department of Justice, to Marlene H. Dortch, FCC, WC Docket No. 06-75; ITC-T/C-20060324-00170 (dated May 2, 2006).

This application is being removed from streamlined review in response to the request filed by the Executive Branch Agencies. Final action on this application should be expected once the Commission has received notification from the Executive Branch Agencies that the evaluation has been completed, but not later than 180 days from public notice that the application was accepted for filing.⁵

For further information, please contact CeCi Seppings at (202) 418-1588 or Kimberly Jackson at (202) 418-7393, Competition Policy Division, Wireline Competition Bureau.

⁵ *See* 47 C.F.R. § 63.03(c)(2).