



PUBLIC NOTICE

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DA 06-1755
August 31, 2006

DOMESTIC AUTHORIZATION GRANTED

Application for Transfer of Control of OnFiber Communications, Inc. to Qwest Communications Corporation

WC Docket No. 06-111

By the Chief, Wireline Competition Bureau:

On May 22, 2006, OnFiber Communications, Inc. (“OnFiber Inc.”) and Qwest Communications Corporation (“QCC”)¹ (together, “Applicants”), filed an application, pursuant to section 63.04 of the Commission’s rules,² requesting authority to transfer control of OnFiber Carrier Services, Inc., OnFiber Carrier Services–Virginia, Inc., and Info-Tech Communications (collectively, and together with OnFiber Inc., “OnFiber”) to QCC.³ Each of the three transferors is a wholly-owned operating subsidiary of OnFiber Inc. and is authorized to provide domestic interstate services. No commenters opposed grant of the application.

The Wireline Competition Bureau finds, upon consideration of the record, that grant of the application will serve the public interest, convenience, and necessity. We further note that the Applicants have offered certain voluntary commitments associated with competition in the Applicants’ overlapping markets.⁴ Because we find these commitments will serve the public interest, we accept them and adopt them as conditions of our approval of the transaction.⁵ Therefore, pursuant to section 214 of the

¹ QCC is a wholly-owned subsidiary of Qwest Communications International Inc. (“Qwest”), which operates as an incumbent local exchange carrier in a 14-state region.

² 47 C.F.R. § 63.04; *see* 47 U.S.C. § 214.

³ Applicants filed a supplement to the application on June 14, 2006. Applicants have also filed an application for transfer of control of OnFiber’s millimeter wave band license, call sign WQBE975. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications.

⁴ *See* Letter from Yaron Dori, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 06-111 (dated August 29, 2006) (August 29 *Ex Parte* Letter). Within the Qwest region, OnFiber Inc. has fiber and customers using “lit” fiber in five buildings where alternative providers to Qwest are not present. The Applicants have offered to sell a portion of OnFiber’s assets by selling ten-year indefeasible rights of use (IRUs) in those five buildings. *See* August 29 *Ex Parte* Letter, Attach. at 1. Additionally, the Applicants have stated that, in an additional 11 buildings where there are no alternative providers to the Applicants, OnFiber has already leased dark fiber to customers under contracts with service terms of greater than 10 years. *Id.*, Attach. at 2.

Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 0.291 of the Commission's rules,⁶ the Wireline Competition Bureau hereby grants the applications discussed in this Public Notice.

Pursuant to section 1.103 of the Commission's rules, the grant is effective upon release of this Public Notice.⁷ Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules may be filed within 30 days of the date of this Public Notice.⁸

For further information, please contact Gail Cohen at (202) 418-0939.

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⁵ The commitments offered by Qwest are consistent with the divestitures agreed to in the consent decrees executed between the Department of Justice and SBC/AT&T and the Department of Justice and Verizon/MCI, which the Commission found to be sufficient to find that those transactions were not likely to have anticompetitive effects in the relevant markets. *See United States v. SBC Communications, Inc.*, Civil Action No. 1:05CV02102, Final Judgment (D.D.C. filed Oct. 27, 2005); *United States v. Verizon Communications Inc.*, Civil Action No. 1:05CV02103, Final Judgment (D.D.C. filed Oct. 27, 2005); *SBC Communications Inc. and AT&T Corp., Applications for Approval of Transfer of Control*, WC Docket No. 05-65, Memorandum Opinion and Order, 20 FCC Rcd 18290, 18292 at para. 2 (2005); *Verizon Communications Inc. and MCI, Inc. Applications for Approval of Transfer of Control*, WC Docket No. 05-75, Memorandum Opinion and Order, 20 FCC 18433, 18435 at para. 2 (2005).

⁶ 47 C.F.R. § 0.291.

⁷ *See* 47 C.F.R. § 1.103.

⁸ *See* 47 C.F.R. §§ 1.106, 1.115.