



PUBLIC NOTICE

Federal Communications Commission
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DA 06-2574
Released: December 21, 2006

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF IDACOMM, INC. TO AMERICAN FIBER SYSTEMS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 06-211

Comments Due: January 4, 2007

Reply Comments Due: January 11, 2007

On October 31, 2006, IDACORP, Inc. (“IDACORP” or “Transferor”) and American Fiber Systems, Inc. (“AFS” or Transferee”) (collectively, the “Applicants”), filed an application, pursuant to section 63.04 of the Commission’s rules,¹ requesting authority to transfer control of IDACOMM, Inc. (“IDACOMM”) from IDACORP to AFS.²

Applicants assert that this transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission’s rules because the proposed transaction will result in: (1) Transferee holding less than a 10% share of the interstate, interexchange market; (2) Transferee providing competitive telephone exchange services or exchange access services (if at all) exclusively in geographic areas served by dominant local exchange carriers (none of which is a party to the proposed transactions); and (3) none of the Applicants or their affiliates are dominant with respect to any service.³

IDACOMM, an Idaho corporation, provides telecommunications services and commercial Internet services in the states of Idaho and Nevada. IDACOMM leases lines and facilities from

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

² Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications. The applicants filed two amendments to their original domestic application. *See* IDACORP, Inc., Joint Application for Streamlined Transfer of Control of Domestic Blanket 214 Authorization, Supplement, WC Docket No. 06-211 (filed Dec. 6, 2006); AFS, Inc., Joint Application for Streamlined Transfer of Control of Domestic Blanket 214 Authorization, Supplement, WC Docket No. 06-211 (filed Dec. 20, 2006).

³ *See* 47 C.F.R. § 63.03(b)(2)(i).

third parties which provide IDACOMM's customers with access to the public switched telephone network and interstate telecommunications service. In addition, IDACOMM currently serves approximately 3,000 access lines in Idaho and Nevada. IDACOMM is a wholly-owned subsidiary of IDACORP. IDACORP, an Idaho corporation, does not provide telecommunication services and is a publicly-held corporation that operates as a holding company with its primary subsidiary in the electric utility industry. Applicants state that IDACORP is a widely-held corporation and that there are no entities or individuals that directly or indirectly own at least 10 percent of the equity of IDACORP.

AFS, a Delaware corporation, is a fiber-based telecommunications provider operating metropolitan fiber optic networks and offering "last mile" metro and wide area fiber connectivity for data, Internet access and voice services to wireline carriers, Internet service providers and large enterprise customers. AFS, through its affiliate, owns and operates metropolitan fiber optic networks in Cleveland, Kansas City, Minneapolis, Nashville, Salt Lake City and Atlanta. AFS and its affiliate are wholly owned subsidiaries of American Fiber System Holding Corporation, a U.S. entity.

The following individuals or entities own or control at least 10 percent of AFS, through ownership of American Fiber System Holding Corporation: Sierra Venture Partners, a U.S. entity (41.39%); North Atlantic Venture Fund III, a U.S. entity (12.6%); and Lucent Venture Partners II, a U.S. entity (12.3%). Applicants state that no other person or entity directly or indirectly owns a 10 percent or greater interest in American Fiber System Holding Corporation. Applicants also state that none of the aforementioned entities have a 10 percent or greater interest or controlling interest in any other telecommunications carrier.

The proposed transaction consists of the sale of all of the capital stock of IDACOMM by IDACORP to AFS, resulting in AFS as the sole shareholder of IDACOMM.

Applicants state that the proposed transaction will serve the public interest. Applicants state that IDACOMM's ability to compete in the local and interstate telecommunications marketplace will be enhanced by the proposed transaction because the proposed stock sale will transfer control of IDACOMM to an experienced operator of metro fiber networks from a company whose primary subsidiary is in the electric utility industry. Applicants also state that this transaction will facilitate the continued provision of service to IDACOMM'S subscribers.

GENERAL INFORMATION

The transfer of control 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. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file **comments on or before January 4, 2007** and **reply comments on or before January 11, 2007**.⁴ Unless

⁴ See 47 C.F.R. § 63.03(a).

otherwise notified by the Commission, Applicants are permitted to transfer the assets and related control on the 31st day after the date of this notice.⁵ Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers 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, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: 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, filers 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). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor 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, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov

⁵ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

You may submit comments, identified by the above noted docket number, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

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

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C230, Washington, D.C. 20554; email: myrva.charles@fcc.gov;
- (3) Gail Cohen, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C111, Washington, D.C. 20554; e-mail: gail.cohen@fcc.gov;
- (4) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov; and
- (5) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: james.bird@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, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpweb.com.

For further information, please contact Myrva Charles at (202) 418-1506, or Gail Cohen at (202) 418-0939.

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