



PUBLIC NOTICE

Federal Communications Commission
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DA 07-4158
Released: October 4, 2007

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF ONVOY, INC. AND MINNESOTA INDEPENDENT EQUAL ACCESS CORPORATION TO
ZAYO BANDWIDTH, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 07-222

Comments Due: October 18, 2007
Reply Comments Due: October 25, 2007

The following application was filed pursuant to section 63.03 of the Commission's rules requesting approval to transfer control of Onvoy, Inc. ("Onvoy") and Minnesota Independent Equal Access Corporation ("MIEAC") to Zayo Bandwidth, Inc. ("Zayo") (collectively, "Applicants")¹. Onvoy, a Minnesota corporation, provides competitive local exchange services in Iowa, Minnesota, North Dakota, and Wisconsin and interexchange services in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. MIEAC, a Minnesota corporation, is a wholly owned subsidiary of Onvoy and provides equal access services to interexchange carriers in Minnesota and North Dakota. Zayo, which is formally known as CII Holdco, Inc., is a Delaware corporation that does not provide telecommunications service and is wholly owned by Communications Infrastructure Investments, LLC, a Delaware limited liability company. Applicants state that both Zayo and Communications Infrastructure Investments, LLC were organized to acquire telecommunications services entities and that they recently acquired Memphis Network, LLC (now known as Zayo Bandwidth Tennessee, LLC), which provides competitive intrastate telecommunications services in Tennessee, PPL Telcom, LLC (now known as Zayo Bandwidth Northeast, LLC), and PPL Prism, LLC (now known as Zayo Bandwidth Northeast Sub, LLC), which are authorized to provide competitive local exchange and/or interexchange services in the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Virginia, and Indiana Fiber Works LLC, which provides competitive telecommunications services in Indiana and dark fiber services in Illinois, Indiana, and Ohio.

The following U.S.-based entities own 10 percent or more of Communications Infrastructure Investments, LLC: Oak Investment Partners XII, Limited Partnership, Oak Associates XII, LLC, M/C Venture Partners VI, L.P., M/C VP VI, L.P., M/C Venture Partners, LLC, Columbia Capital Equity

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for the transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

Partners IV (QP), L.P., Columbia Capital IV, LLC, Battery Ventures VII, L.P., and Battery Partners VII, LLC. Applicants state that the M/C Venture entities and the Columbia Capital entities have interests in telecommunications carriers that provide competitive wireline and wireless services in multiple states. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.²

Application Filed for the Transfer of Control of Onvoy, Inc. and Minnesota Independent Equal Access Corporation to Zayo Bandwidth, Inc., WC Docket No. 07-222 (filed Sept. 05, 2007).

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 section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before October 18, 2007** and reply comments **on or before October 25, 2007**. Unless otherwise notified by the Commission, Applicants are permitted to transfer control on the 31st day after the date of this notice.³ 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.

² 47 C.F.R. § 63.03(b)(2)(i).

³ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight 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 or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

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-C323, Washington, D.C. 20554; email: Myrva.Charles@fcc.gov;
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C234, Washington, D.C. 20554; e-mail: jodie.may@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-A664 Washington, D.C. 20554; email: david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: jim.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 CY-B402, 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 Jodie May at (202) 418-0913.

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