



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

**News Media Information 202 / 418-0500**  
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**DA 08-549**

**Released: March 11, 2008**

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF  
USCARRIER TELECOM HOLDINGS, LLC AND USCARRIER TELECOM, LLC TO  
AMERICAN FIBER SYSTEMS, INC.**

**STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 08-1**

**Comments Due: March 25, 2008**

**Reply Comments Due: April 1, 2008**

On December 26, 2007, USCarrier Telecom Holdings, LLC (USCTH), USCarrier Telecom, LLC (USC), and American Fiber Systems, Inc. (AFS) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer control of USCTH and USC to AFS.<sup>1</sup> USCTH is a Georgia limited liability corporation that acts solely as a holding company and does not provide telecommunications services. USCTH's subsidiary, USC, is a Georgia limited liability corporation that provides competitive telecommunications services to telecommunications carriers in Alabama, Florida, Georgia, South Carolina, and Tennessee. AFS, a Delaware corporation, and its affiliates offer competitive telecommunications services to carriers and large enterprise customers in Georgia, Idaho, Kansas, Minnesota, Missouri, Nevada, Ohio, Tennessee, and Utah. Applicants state that the following U.S. entities own a 10 percent or greater equity or voting interest in AFS: Sierra Ventures (41 percent), and North Atlantic Venture Fund III (13 percent).<sup>2</sup> In addition, Applicants state that Lucent Venture Partners II, LLC (Lucent Venture), a U.S.-based limited liability company, owns 12 percent of the equity of AFS, and that Lucent Venture is ultimately 100 percent owned by Alcatel, a French, publicly-held telecommunications equipment and manufacturing company. Applicants further state that none of the 10 percent or greater owners of AFS have a 10 percent or greater interest, or a controlling interest, in any other telecommunications carrier.

Pursuant to the terms of the proposed transaction, AFS will increase its ownership interest in USCTH and USC by acquiring 55 percent of the outstanding shares of USCTH. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of

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<sup>1</sup> 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for 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. Applicants filed supplements to their domestic section 214 application on Jan. 10 and 17, Feb. 15, and Mar. 4 and 10, 2008.

<sup>2</sup> Applicants state that the United States Small Business Administration owns 65 percent of the equity of North Atlantic Venture Fund III.

the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.<sup>3</sup>

Domestic Section 214 Application Filed for the Transfer of Control of USCarrier Telecom Holdings, LLC and USCarrier Telecom, LLC to American Fiber Systems, Inc., WC Docket No. 08-1 (filed Dec. 26, 2007).

## **GENERAL INFORMATION**

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is 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 C.F.R. § 63.03(a), interested parties may file comments **on or before March 25, 2008**, and reply comments **on or before April 1, 2008**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31<sup>st</sup> day after the date of this notice.<sup>4</sup> Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's e-Rulemaking Portal. *See* 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal e-Rulemaking 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](mailto: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.

### **In addition, e-mail one copy of each pleading to each of the following:**

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); phone: 202 / 488-5300; fax: 202 / 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- 3) Matt Warner, Competition Policy Division, Wireline Competition Bureau, [matthew.warner@fcc.gov](mailto:matthew.warner@fcc.gov);

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<sup>3</sup> 47 C.F.R. § 63.03(b)(2)(i).

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

- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are 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; e-mail: fcc@bcpiweb.com; url: www.bcpiweb.com.

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For further information, please contact Tracey Wilson-Parker at 202 / 418-1394 or Matt Warner at 202 / 418-2419.

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