



PUBLIC NOTICE

Federal Communications Commission
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DA 08-76
Released: January 11, 2008

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF CITYNET FIBER NETWORK, LLC FROM CITYNET, LLC TO ZAYO BANDWIDTH, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 08-6

Comments Due: January 25, 2008

Reply Comments Due: February 1, 2008

The following application was filed pursuant to section 63.03 of the Commission's rules requesting approval to transfer control of Citynet Fiber Network, LLC (CFN) from Citynet, LLC (Citynet) to Zayo Bandwidth, Inc. (Zayo) (together, Applicants).¹ Citynet, a West Virginia limited liability company, provides telecommunications services to wholesale and retail customers through various subsidiaries. CFN, a Delaware limited liability company, is a wholly owned subsidiary of Citynet and provides wholesale services in Georgia, Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. Citynet Virginia, a subsidiary of CFN, provides intrastate wholesale services in Virginia. Zayo, a Delaware corporation, is a wholly owned subsidiary of Communications Infrastructure Investments, LLC (CII), a Delaware limited liability company. Applicants state that Zayo and CII do not provide telecommunications services and recently acquired several telecommunications entities operating in various states.² The following U.S.-based entities own 10 percent or more of CII: Oak Investment Partners XII, Limited Partnership, Oak Associates XII, LLC,³

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214.

² Memphis Networx, LLC (now known as Zayo Bandwidth Tennessee, LLC) 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) provide competitive local exchange and/or interexchange services in the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Virginia; Indiana Fiber Works LLC (now known as Zayo Bandwidth Indiana, LLC) provides competitive telecommunications services in Indiana and dark fiber services in Illinois, Indiana, and Ohio; Onvoy Inc. 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; and Minnesota Equal Access Corporation provides telecommunications services in Minnesota and North Dakota.

³ The following U.S. citizens are the executive managing members of Oak Associates XII, LLC: Bandel L. Carano, Edward F. Glassmeyer, Ann H. Lamont, and Frederic W. Harman.

M/C Venture Partners VI, L.P., M/C VP VI, L.P., M/C Venture Partners, LLC,⁴ Columbia Capital Equity Partners IV (QP), L.P.,⁵ Columbia Capital IV, LLC, Battery Ventures VII, L.P., and Battery Partners VII, LLC.⁶ 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.⁷

Application Filed for the Transfer of Control of Citynet Fiber Network, LLC from Citynet, LLC to Zayo Bandwidth, Inc, WC Docket No. 08-6 (filed Dec. 27, 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 January 25, 2008**, and reply comments **on or before February 1, 2008**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁸ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's eRulemaking 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 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

⁴ The following U.S. citizens are the executive managing members of M/C Venture Partners, LLC: James F. Wade, David D. Croll, Mathew J. Rubins, John W. Watkins, and John Van Hooser.

⁵ The following U.S. citizens are the executive managing members of Columbia Capital Equity Partners IV (QP), L.P.: James B. Flemming, Jr., R. Philip Herget, III, and Harry F. Hopper III.

⁶ The following U.S. citizens are the executive managing members of Battery Partners VII, LLC: Tom Crotty (Executive Managing Member), Rick Frisbie, Ken Lawler, Morgan Jones, Scott Tobin, Dave Tabors, Mark Sherman, and Roger Lee.

⁷ 47 C.F.R. § 63.03(b)(2)(i).

⁸ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

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.

In addition, email one copy of each pleading to each of the following:

- 1) The Commission’s duplicating contractor, Best Copy and Printing, Inc., 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;
- 3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 4) David Krech, International Bureau, Policy Division, International Bureau, david.krech@fcc.gov
- 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; email: fcc@bcpiweb.com; url: www.bcpiweb.com.

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For further information, please contact Tracey Wilson-Parker at 202 / 418-1394 or Dennis Johnson at 202 / 418-0809.

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