



PUBLIC NOTICE

Federal Communications Commission
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DA 09-180

Released: February 2, 2009

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CERTAIN ASSETS OF CC VIII OPERATING, LLC AND CHARTER FIBERLINK, LLC TO MIDCONTINENT COMMUNICATIONS

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 09-11

Comments Due: February 17, 2009

Reply Comments Due: February 24, 2009

On December 18, 2008, CC VIII Operating, LLC (CCVIII Operating), Charter Fiberlink, LLC (Charter Fiberlink) (CCVIII Operating and Charter Fiberlink collectively referred to as Charter) and Midcontinent Communications (Midcontinent, and together with Charter, the Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer certain assets of Charter to Midcontinent.¹ CCVIII Operating is a Delaware limited liability corporation that does not provide any telecommunication services, but owns certain assets used by Charter Fiberlink to provide service. Charter Fiberlink is a Delaware limited liability corporation that provides facilities-based point-to-point private line telecommunications service to one customer within the communities of Bemidji, Cass Lake, International Falls and Ranier, Minnesota. Charter Fiberlink also provides other services such as interconnected voice over Internet protocol (VoIP) services to customers in such communities. Midcontinent, a South Dakota general partnership, provides competitive local exchange and interexchange services in North Dakota and South Dakota, as well as western Minnesota. The following U.S. based entities directly or indirectly own at least 10 percent of the equity of Midcontinent: Midcontinent Communications Investor, LLC (50%) and TCI-Midcontinent, LLC (50%).² Midcontinent has multiple telecommunications affiliates operating in the U.S.³

¹ 47 C.F.R § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of certain assets 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. On February 2, 2009, Applicants filed a supplement to their domestic section 214 application (Midcontinent/Charter Supplement).

² Midcontinent Communications Investor, LLC is wholly owned by Midcontinent Media, Inc., a Minnesota limited liability company. Larry Bentson, a U.S. citizen, has a 95.81% ownership interest in Midcontinent Media, Inc. TCI-Midcontinent, LLC is wholly owned by Comcast Corporation, a publicly traded Pennsylvania corporation with no 10 percent or greater owners.

³ *See* Midcontinent/Charter Supplement at 2-3.

Pursuant to the terms of the proposed transaction, Midcontinent will purchase certain assets used by Charter Fiberlink to provide telecommunications services in the communities of Bemidji, Cass Lake, International Falls and Ranier, Minnesota. The telephone assets include facilities and equipment owned by CCVIII Operating that are used by Charter Fiberlink to offer or provide its services, as well as Charter Fiberlink's customer base in those communities. 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.⁴

Domestic Section 214 Application Filed for the Transfer of Certain Assets of CC VIII Operating, LLC and Charter Fiberlink, LLC to Midcontinent Communications, WC Docket No. 09-11 (filed Dec. 18, 2008).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of certain assets 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 February 17, 2009**, and reply comments **on or before February 24, 2009**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁵ 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 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; phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;

⁴ 47 C.F.R. § 63.03(b)(2)(i).

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

- 3) Heather Hendrickson, Competition Policy Division, Wireline Competition Bureau, heather.hendrickson@fcc.gov;
- 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 Heather Hendrickson at (202) 418-7295.

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