



PUBLIC NOTICE

Federal Communications Commission
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DA 09-2075

Released: September 17, 2009

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF BENCHMARK COMMUNICATIONS, LLC TO TDMM CABLE FUNDING, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 09-167

Comments Due: October 1, 2009

Reply Comments Due: October 8, 2009

On August 28, 2009, Benchmark Communications, LCC (Benchmark), Mark Guidry, Jason Veasey, Warren Gottsegen, Benjamin Bronston and TDMM Cable Funding, LLC (TDMM) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer control of Benchmark to TDMM.¹ Benchmark is a Louisiana limited liability company that provides resold local and long distance services to multiple dwelling unit properties along the Gulf Coast in Louisiana, Mississippi, Alabama and Florida. Benchmark is owned by the following U.S. citizens, each holding a 25 percent share: Mark Guidry, Jason Veasey, Warren Gottsegen and Benjamin Bronston. TDMM, a Florida limited liability company, provides either directly or indirectly through wholly owned subsidiaries, cable, high-speed Internet and information systems at three communities in the State of Florida: the Keys Cove and Cutler Cay communities in Miami-Dade County and the Little Harbor community in Hillsborough County. TDMM and its affiliates do not provide telecommunications services. The following U.S. citizens own at least 10 percent of the equity of TDMM: Timothy M. McGinn (40 percent), David L. Smith, (40 percent), and Mario Bustamante (20 percent). Pursuant to the terms of the Purchase Agreement, TDMM will acquire 100 percent of the issued and outstanding limited liability company membership interests of Benchmark from Transferors. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(1)(ii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.²

Domestic Section 214 Application Filed for the Transfer of Control of Benchmark Communications, LCC to TDMM Cable Funding, LLC, WC Docket No. 09-167 (filed Aug. 28, 2009).

GENERAL INFORMATION

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants filed a supplement to their application on September 17, 2009.

² 47 C.F.R. § 63.03(b)(1)(ii).

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 October 1, 2009**, and reply comments **on or before October 8, 2009**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.³ 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;
- 3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, Dennis.Johnson@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.

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).

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

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

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