



PUBLIC NOTICE

Federal Communications Commission
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DA 10-1495
Released: August 12, 2010

APPLICATIONS FILED FOR THE TRANSFER OF CONTROL OF BRESNAN COMMUNICATIONS, LLC TO CABLEVISION SYSTEMS CORPORATION

PLEADING CYCLE ESTABLISHED

MB Docket No. 10-154

Comment Date: September 13, 2010

Reply Comment Date: September 28, 2010

On July 1, 2010, Cablevision Systems Corporation (“Cablevision”), Bresnan Broadband Holding, LLC, Bresnan Communications, LLC, and their subsidiaries, and the William J. Bresnan Revocable Trust (collectively, “Bresnan” and, together with Cablevision, the “Applicants”) jointly submitted applications to the Commission seeking consent to the transfer of control of certain licenses pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended.¹ The proposed transfer of control of these licenses is part of a larger transaction whereby a wholly-owned subsidiary of Cablevision will acquire control of Bresnan.²

Cablevision, a Delaware corporation, is majority-owned by a group comprised of Charles F. Dolan and his family, who collectively own a 69.5% voting interest in Cablevision.³ Cablevision is a facilities-based provider of bundled video, voice, and broadband Internet services in New York, New Jersey, and Connecticut. It provides basic video service to approximately 3.1 million subscribers, voice service to approximately 2.1 million residential and small business customers, and broadband service to approximately 2.6 million customers.⁴

Bresnan is a cable provider serving 300,000 subscribers in 148 communities in Colorado, Utah, Montana, and Wyoming. Bresnan also provides voice service to 126,000 subscribers and broadband service to 220,000 subscribers.⁵

¹ 47 U.S.C. §§ 214, 310(d); *see also* 47 C.F.R. § 78.35.

² *Applications for Consent to the Transfer of Control of Licenses of Bresnan Communications, LLC to Cablevision Systems Corporation, Applications and Public Interest Statement* (filed Jul. 1, 2010) (“Application”).

³ No other entity or individual owns a 5% or more voting interest in Cablevision. Application at Exhibit B-1.

⁴ *Id.* at 5-7.

⁵ *Id.* at 4.

On June 13, 2010, certain wholly-owned subsidiaries of Cablevision entered into an Agreement and Plan of Merger with Bresnan Broadband Holdings, LLC and Providence Equity Bresnan Cable LLC, pursuant to which Cablevision will acquire Bresnan Broadband and its subsidiaries through a newly-created, wholly-owned subsidiary, BBHI Holdings.⁶ Upon consummation of the proposed merger, BBHI Holdings will own 100% of the Bresnan Broadband membership units.⁷

The Applicants contend that the proposed transaction will serve the public interest. They state that the proposed transaction poses no competitive issues because it will not result in the expansion of existing geographic clusters and because the companies operate in separate geographic areas of the country.⁸ In addition, the Applicants state that the transaction will enhance the value, products, and services within Bresnan's service areas. Specifically, they assert that the transaction will provide increased investment in the Bresnan system resulting in better value for consumers at more competitive prices.⁹

TRANSFER OF CONTROL APPLICATIONS

The file numbers and call signs of the Applicants' facilities that are the subject of the applications to transfer control to Cablevision are listed below. Interested parties should refer to the transfer of control applications for a listing of the licenses. Parties should be aware that additional applications may have to be filed to identify any additional licenses and authorizations in the services noted. The Applicants have requested that the Commission's grant of consent to the transfer of control of the licenses include consent for Cablevision to acquire control of (1) any authorizations or licenses issued to the Applicants or any of their subsidiaries or affiliates to the extent such authorizations are related to the Applicants' cable television systems affected by the transactions, during the Commission's consideration of the applications and the period required for the consummation of the transactions following approval; (2) construction permits held by licensees involved in the transactions that mature into licenses after closing and that may have been omitted from the applications; and (3) applications that will have been filed by such licensees relating to such cable systems and that are pending at the time of consummation of the transactions.¹⁰

⁶ *Id.* at 10. Pursuant to associated transfer of control applications filed with the Commission, Cablevision is acquiring control of Bresnan Broadband Holdings, LLC from the William J. Bresnan Revocable Trust. The Trust controls Bresnan through its ownership of Bresnan Communications, Inc., which has entered into a management agreement with Bresnan. *See Domestic Section 214 Application Filed For the Transfer of Control of Bresnan Communications, LLC Licensees to William J. Bresnan Revocable Trust*, Public Notice, DA 10-1359, WC Docket No. 10-138 (rel. Jul. 23, 2010); *see also* ITC-T/C-20100701-00267. Any action on these applications is without prejudice to its domestic and international section 214 applications. The International Bureau and the Wireline Competition Bureau granted Bresnan LEC Licensees special temporary authority to continue to provide service to customers under existing ownership while the section 214 application is pending. *See* ITC-STA-20100701-00268.

⁷ Application at 11.

⁸ *Id.* at 20-21.

⁹ *Id.* at 17-18.

¹⁰ *Id.* at 1 n.1.

A. SECTION 214 AUTHORIZATIONS

1. Domestic

The Applicants filed an application for consent to transfer control of the domestic section 214 subsidiaries of Bresnan Broadband Holdings, LLC and its subsidiaries to Cablevision. The subsidiaries are Bresnan Broadband of Colorado, LLC, Bresnan Broadband of Montana, LLC, Bresnan Broadband of Utah, LLC, and Bresnan Broadband of Wyoming, LLC. The Applicants state that these subsidiaries offer competitive local exchange and long distance services in Colorado, Montana, Utah, and Wyoming and assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules, 47 C.F.R. § 63.03(b)(2)(i). Because the transaction involves authorizations from multiple Bureaus, we accept the application for non-streamlined processing.¹¹

2. International

<u>File No.</u>	<u>Authorization Holder</u>	<u>Authorization Number</u>
ITC-T/C-20100701-00269	Bresnan Digital Services, LLC	ITC-214-20061117-00525

B. CABLE TELEVISION SERVICE APPLICATIONS

<u>File No.</u>	<u>Authorization Holder</u>	<u>Call Sign</u>
20100706AA-09	Bresnan Communications, LLC	WHZ-634
20100706AB-09	Bresnan Communications, LLC	WHZ-748
20100706AC-09	Bresnan Communications, LLC	WLY-332
20100706AD-09	Bresnan Communications, LLC	WLY-624
20100706AE-09	Bresnan Communications, LLC	WLY-861
20100706AF-09	Bresnan Communications, LLC	WBH-637
20100706AG-09	Bresnan Communications, LLC	WLY-563
20100706AH-09	Bresnan Communications, LLC	WLY-838
20100706AI-09	Bresnan Communications, LLC	WLY-839

C. PARTS 90 AND 101- PRIVATE LAND MOBILE AND COMMON CARRIER POINT-TO-POINT FIXED MICROWAVE LICENSES

<u>File No.</u>	<u>Authorization Holder</u>	<u>Lead Call Sign</u>
0004296040	Bresnan Communications, LLC	KNGQ260

¹¹ 47 C.F.R. § 63.03(c).

EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,¹² the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.¹³

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.¹⁴ More than a one- or two-sentence description of the views and arguments presented is generally required.¹⁵ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.¹⁶ We urge parties to use the Electronic Comment Filing System (ECFS) to file *ex parte* submissions.

GENERAL INFORMATION

The applications referenced herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies. Interested parties must file comments or petitions to deny no later than **September 13, 2010**. Replies or oppositions to comments and petitions must be filed no later than **September 28, 2010**. All filings concerning matters referenced in this Public Notice should refer to **DA 10-1495** and MB Docket No. 10-154, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Under the Commission's procedures for the submission of filings and other documents,¹⁷ submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- **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.

¹² 47 C.F.R. § 1.1200(a).

¹³ *Id.* § 1.1206.

¹⁴ 47 C.F.R. § 1.1206(b)(2).

¹⁵ *Id.*

¹⁶ *Id.* § 1.1206(b).

¹⁷ See *Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, 16 FCC Rcd 21483 (2001); see also *FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence*, Public Notice, 16 FCC Rcd 22165 (2001); *Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media*, Public Notice, 18 FCC Rcd 16705 (2003).

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.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

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- Jim Bird, Office of the General Counsel, at Jim.Bird@fcc.gov;
- Jeff Tobias, Wireless Telecommunications Bureau, at Jeff.Tobias@fcc.gov;
- Jodie May, Competition Policy Division, Wireline Competition Bureau, Jodie.May@fcc.gov;
- David Krech, Policy Division, International Bureau, at David.Krech@fcc.gov;
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Further Information. For further information, please contact Amy Brett or Marcia Glauber, Industry Analysis Division, Media Bureau, (202) 418-2330. Press inquiries should be directed to Janice Wise, (202) 418-8165, of the Media Bureau. TTY: (202) 418-2555 or (888) 835-5322.

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