



PUBLIC NOTICE

Federal Communications Commission
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DA 10-2098
November 1, 2010

NOTICE OF DOMESTIC SECTION 214 AUTHORIZATION GRANTED

WC Docket No. 10-192

The Wireline Competition Bureau (Bureau) has granted the application listed in this notice pursuant to the Commission's streamlined procedures for domestic section 214 transfer of control applications, 47 C.F.R. § 63.03. The Bureau has determined that grant of this application serves the public interest.¹ For purposes of computation of time when filing a petition for reconsideration or application for review, or for judicial review of the Commission's decision, the date of "public notice" shall be the release date of this notice.²

Domestic Section 214 Application Filed for the Transfer of Control of Cavalier Telephone Corp. to Paetec Holding Corp., WC Docket No. 10-192, Public Notice, DA 10-1890 (rel. Sept. 30, 2010).

Effective Grant Date: October 31, 2010

For further information, please contact Tracey Wilson (202) 418-1394 or Dennis Johnson (202) 418-0809, Competition Policy Division, Wireline Competition Bureau.

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¹ *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, CC Docket No. 01-150, Report and Order, 17 FCC Rcd 5517, 5529, para. 22 (2002). The Bureau received filings from one commenter opposing grant of the transaction. Mr. Cliff Hancuff, a former Cavalier employee, asserts that he was wrongfully terminated and raises claims against Cavalier regarding health benefits. Cliff Hancuff, Oppositions, WC Docket No. 10-192 (filed Oct. 25, 27, 2010); Cliff Hancuff, Opposition, WC Docket No. 10-192 (filed Oct. 19, 2010); Cliff Hancuff, Letter, WC Docket No. 10-192 (filed Oct. 13, 2010) (Hancuff Letter). The Commission's general policy regarding individual complaints of employment discrimination is that they should be resolved in the first instance by the U.S. Equal Employment Opportunity Commission (EEOC) or other government agency and/or court established to enforce discrimination laws. *See, e.g., Pacific and Southern Company, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 8503 at 8505, para. 6 (1996). The EEOC reviewed Mr. Hancuff's claims and was unable to determine that a violation of the relevant statutes occurred. *See* Hancuff Letter at Attach., Dismissal and Notice of Rights, EEOC Charge No. 438-2008-01993, July 29, 2010. Accordingly, there is no evidence in the record to support a finding that grant of the transaction would violate the public interest.

² *Id.*; *see* 47 C.F.R. § 1.4 (Computation of time).