



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 10-2283
Released: December 2, 2010

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN
ASSETS OF GRANDE COMMUNICATIONS NETWORKS, LLC
BY NEXTERA FIBERNET, LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 10-239

Comments Due: December 16, 2010
Reply Comments Due: December 23, 2010

On November 18, 2010, Grande Communications Networks, LLC (Grande) and NextEra FiberNet, LLC (NEFN) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer certain assets and customer contracts from Grande to NEFN.¹

Grande, a Delaware limited liability company, currently provides competitive telecommunications services, primarily on a wholesale basis, in Arkansas, California, Louisiana, Oklahoma, and Texas. It also provides competitive local exchange and long distance service to residential and business customers in Texas.² NEFN, a newly formed Delaware limited liability company, is authorized to provide competitive telecommunications services in Texas and has a pending application for similar authority in Oklahoma. NEFN is a direct, wholly owned subsidiary of FPL Group Capital Inc. a Florida holding corporation that is a direct, wholly owned subsidiary of NextEra Energy, Inc. (NextEra Energy), a publicly-traded Florida corporation. Applicants state that no person or entity owns 10 percent or more of NextEra Energy.³ NextEra Energy owns FPL FiberNet, LLC, a Delaware limited liability company that provides competitive telecommunications services in Florida and Atlanta, Georgia.

Pursuant to the terms of the proposed transaction, Grande intends to assign to NEFN assets related to the operation of its regional long-haul broadband transport business in Texas, Arkansas,

¹ 47 C.F.R § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control 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. Applicants filed a supplement to their domestic section 214 application on December 1, 2010.

² Applicants state that Grande is authorized to provide competitive intrastate services in Arkansas, Florida, Georgia, North Carolina, Oklahoma, and Texas.

³ NextEra Energy's principal subsidiaries are NextEra Energy Resources, LLC, a renewable energy generator, and Florida Power & Light Company, a regulated electric utility.

Louisiana, and Oklahoma, fiber networks, and certain resold interstate circuits in these states. The assets include customer contracts for primarily wholesale carrier customers and a limited number of retail end users. 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 Acquisition of Certain Assets of Grande Communications Networks, LLC by NextEra FiberNet, LLC, WC Docket No. 10-239 (filed Nov. 18, 2010).

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 December 16, 2010**, and reply comments **on or before December 23, 2010**. 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, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and

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.

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).

For further information, please contact Tracey Wilson at (202) 418-1394 or Jodie May at (202) 418-0913.

-FCC-