



PUBLIC NOTICE

Federal Communications Commission
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DA 10-703
Released: April 27, 2010

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF AGL NETWORKS, LLC TO ZAYO GROUP, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 10-86

Comments Due: May 11, 2010

Reply Comments Due: May 18, 2010

On April 5, 2010, AGL Investments, Inc. (AGL Investments), AGL Networks, LLC (AGLN), and Zayo Group, LLC (Zayo Group) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer control of AGLN to Zayo Group.

AGLN, a Delaware limited liability company, is a wholly owned subsidiary of AGL Investments, a Georgia corporation that is wholly owned by AGL Resources, Inc., a Georgia corporation that is a distributor of natural gas. AGLN maintains metropolitan area fiber networks in several states and is authorized to provide competitive local exchange and interexchange services in Arizona, Georgia, Missouri, Nevada, and North Carolina. Applicants state that no person or entity holds a 10 percent or greater direct or indirect ownership interest in AGL Resources, Inc. Zayo Group, a Delaware limited liability company, is wholly owned by Zayo Group Holdings, Inc., a Delaware corporation, which in turn is wholly owned by Communications Infrastructure Investments, LLC (CII), also a Delaware limited liability company. Zayo Group does not itself provide telecommunications services but has affiliates that provide competitive telecommunications services in multiple states.² Applicants state that the following U.S.-based entities hold a ten percent or greater interest in CII: Oak Investment Partners XII, Limited Partnership and Oak Associates XII, LLC (22.3 percent);³ M/C Venture Partners VI, L.P., M/C VP VI, L.P., and M/C Venture Partners, LLC (20.3 percent);⁴ Columbia Capital Equity Partners IV (QP), L.P.

¹ 47 C.F.R § 63.03; *see* 47 U.S.C. § 214. Applicants filed a supplement to their domestic section 214 application on April 23, 2010.

² The identities and service areas of the affiliates are listed on pages 12-15 of the Application.

³ The following U.S. citizens are the executive managing members of Oak Associates XII, LLC: Bandel L. Carano, Edward F. Glassmeyer, Ann H. Lamont, and Frederic W. Harman.

⁴ The following U.S. citizens are the managing members of M/C Venture Partners, LLC: James F. Wade, David D. Croll, Matthew J. Rubins, John W. Watkins, and John Van Hooser.

(18.5 percent) and Columbia Capital IV, LLC (20.9 percent indirectly),⁵ Charlesbank Equity Fund VI GP, Limited Partnership and Charlesbank Capital Partners, LLC (10.8 percent).⁶ Applicants further state that no other person or entity will own a 10 percent or greater interest in Zayo Group through CII. Pursuant to the terms of the proposed transaction, Zayo Group will acquire all of the membership interests of AGLN from AGL Investments. 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.⁷

Domestic Section 214 Application Filed for the Transfer of Control of
AGL Networks, LLC to Zayo Group, LLC, WC Docket No. 10-86 (filed Apr. 5, 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 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 May 11, 2010**, and reply comments **on or before May 18, 2010**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁸ 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;

⁵ The following U.S. citizens are the managing members of Columbia Capital IV, LLC: James B. Fleming, Jr., R. Philip Herget, III, and Harry F. Hopper III.

⁶ The following U.S. citizens are the managing members of Charlesbank Capital Partners, LLC: Michael Eisenson, Tim Palmer, Kim Davis, Mark Rosen, Michael Choe, Brandon White, Jon Biotti, Andrew Janower, and Michael Thonis.

⁷ 47 C.F.R. § 63.03(b)(2)(i).

⁸ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@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
- 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-Parker at (202) 418-1394 or Jodie May at (202) 418-0913.