



PUBLIC NOTICE

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DA 11-1742
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DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF US CABLE OF COASTAL-TEXAS, L.P. BY BAJA BROADBAND, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 11-158

Comments Due: November 2, 2011
Reply Comments Due: November 9, 2011

On September 19, 2011, US Cable of Coastal-Texas, L.P. (US Cable) and Baja Broadband, LLC (Baja) (collectively, the Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer certain assets of US Cable, operated pursuant to domestic Section 214 authorization in Colorado, New Mexico and Texas, to Baja.

US Cable, a New Jersey limited partnership, is a non-dominant carrier authorized by the Commission to provide domestic telecommunications services. US Cable provides cable, high speed Internet, interconnected voice over IP service and non-switched common carrier services in a variety of markets across the country.² The individuals or entities that directly or indirectly own at least ten percent of the equity of US Cable are US Cable Holdings, L.P. (general partner, 51.66 percent) and Comcast-USC, LLC (limited partner, 48.34 percent). The ownership of US Cable Holdings, L.P. is as follows: US Cable of Lake Forest, Inc. (general partner, 27.21 percent), Lake Capital Corporation (limited partner, 20 percent) and Stephen E. Myers (U.S. citizen, limited partner, 33.89 percent). The ownership of US Cable of Lake Forest, Inc. is as follows: Stephen E. Myers (51 percent), Michael C. Anderson (U.S. citizen, 10 percent) and William D. Lipkind, as Trustee of The Eastfield Trust (U.S. citizen, 34 percent). The ownership of Lake Capital Corporation is as follows: Stephen E. Myers (72.67 percent), Michael C. Anderson (10 percent) and William D. Lipkind and Alaska Trust Company, Trustees of The Northfield 2003 Alaska Insurance Trust (15.13 percent). Comcast-USC, LLC is wholly-owned by Comcast Corporation, a Pennsylvania corporation. No individual or entity holds 10 percent or more of the equity of Comcast Corporation.

¹ 47 C.F.R § 63.03; *see* 47 U.S.C. § 214. On October 14, 2011, Applicants filed a supplement to the application.

² The Commission recently approved the transfer of US Cable's domestic Section 214 authorization for its operations in Minnesota and Wisconsin to Midcontinent Communications. *See Notice of Domestic Section 214 Authorization Granted*, Public Notice, WC Docket No. 11-113, DA 11-1500 (rel. Sep. 6, 2011). On October 3, 2011, US Cable filed an application pursuant to section 63.03 of the Commission's rules to transfer certain of its assets in Hannibal, Mexico, Moberly and several surrounding areas in Missouri to Charter Communications Entertainment I, LLC and Charter Fiberlink – Missouri, LLC (WC Docket No. 11-166).

Baja, a Delaware limited liability company, is a cable provider currently operating in Colorado, Nevada, New Mexico and Utah. Baja offers cable service, high speed Internet and telephone service, including non-switched services in these areas. Baja serves more than 9,300 telephone customers and more than 69,200 customers for all of its services combined. Applicants state that there is no overlap between Baja's service area and US Cable's service area. Baja Broadband Holding Company, LLC (BBHC), a Delaware limited liability company, wholly owns Baja. The following U.S. entities own ten percent or more of the equity of BBHC: Columbia Capital Equity Partners IV (ECI), Ltd. (41.12 percent),³ M/C Venture Partners V, L.P. (33.24 percent) and MC Venture Partners VI, L.P. (11.04 percent).⁴

The transaction involves the sale of certain assets of US Cable to Baja under an asset purchase agreement entered into between the parties. According to the proposed transaction, US Cable is selling the assets associated with its operations in Colorado, New Mexico, and Texas. After consummation of the proposed transaction, US cable will continue to operate in other markets where it currently provides cable services. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules,⁵ and that a grant of the application will serve the public interest, convenience, and necessity.

GENERAL INFORMATION

The transfer of assets identified herein has been found, upon initial review, to be 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 CFR § 63.03(a), interested parties may file comments **on or before November 2, 2011**, and reply comments **on or before November 9, 2011**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁶ Comments should be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs/>.

In addition, e-mail one copy of each pleading to each of the following:

³ Columbia Capital IV, LLC is the general partner of Columbia Capital Equity Partners IV (ECI), Ltd. (Equity IV). 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. Columbia Capital IV, LLC's indirect ownership of BBHC is 46.46% through its interest in Equity IV and through its control of Columbia Orange Partners IV, Inc. (5.06 percent) and Columbia Capital Employee Investors IV, L.P. (0.28 percent).

⁴ M/C VP V, L.P. is the general partner of M/C Venture Partners V, L.P. M/C VP VI, L.P. is the general partner of M/C Venture Partners VI, L.P. M/C Venture Partners, LLC is the general partner of M/C VP V, L.P and M/C VP VI, L.P. 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.

⁵ 47 C.F.R. § 63.03(b)(2)(i).

⁶ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

- 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;
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- 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.

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For further information, please contact Tracey Wilson at (202) 418-1394 or Christopher Sova at (202) 418-1868.

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