



PUBLIC NOTICE

Federal Communications Commission
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DA 11-343
Released: February 23, 2011

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF TW TELECOM OF TEXAS LLC TO MANAGED TELECOM, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 11-28

Comments Due: March 9, 2011

Reply Comments Due: March 16, 2011

On February 17, 2011, tw telecom of texas llc (tw telecom of texas) and Managed Telecom, Inc. (MTI) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ to request authority to transfer assets, located in Amarillo, Texas, from tw telecom of texas to MTI.

tw telecom of texas, a Delaware limited liability company, operates in eight geographic areas in Texas (Amarillo, Austin, Corpus Christi, Dallas, El Paso, Ft. Worth, Houston, and San Antonio) providing competitive local exchange, long distance, and other telecommunications services primarily to business customers. tw telecom holdings inc. owns 100 percent of tw telecom of texas. tw telecom inc., a publicly traded company that provides telecommunications services in 30 states, owns 100 percent of tw telecom holdings inc.²

MTI, a Texas corporation, provides competitive local exchange and long distance services on a resale basis in the Amarillo metropolitan area. Julie R. Kincanon, a U.S. citizen, owns 100 percent of MTI. Applicants state that Ms. Kincanon does not hold other telecommunications interests. Pursuant to the terms of the proposed transaction, tw telecom of texas will transfer all of the assets associated with its Amarillo operations to MTI. These assets include three DS-3 dedicated point-to-point transport circuits provided to a single customer. 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.³

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214.

² Applicants state that Southeastern Asset Management, Inc., an investment advisor, is the beneficial owner of 18.2 percent of the shares of tw telecom inc. All entities are U.S.-based. Applicants further state that they are not aware of any other owner of 10 percent or more of the equity of tw telecom inc.

³ 47 C.F.R. § 63.03(b)(2)(i).

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 March 9, 2011**, and reply comments **on or before March 16, 2011**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁴ 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; and
- 4) 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.

⁴ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

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.

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