



PUBLIC NOTICE

Federal Communications Commission
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Released: November 19, 2013

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF DUKUNET COMMUNICATIONS, LLC TO TIME WARNER CABLE INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 13-206

Comments Due: December 3, 2013
Reply Comments Due: December 10, 2013

On October 31, 2013, Time Warner Cable Inc. (TWC) and DukeNet Communications, LLC (DukeNet) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer control of DukeNet from its current owners to TWC.

DukeNet, a Delaware limited liability company, provides competitive local exchange and intrastate interexchange telecommunications services in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. DukeNet is a direct, wholly owned subsidiary of DukeNet Communications Holdings, LLC (DukeNet Holdings), a Delaware limited liability company. DukeNet Holdings is a joint venture between (i) DukeNet VentureCo, Inc. (DukeNet Venture), which holds a direct, 50 percent interest in DukeNet Holdings and thus an indirect, 50 percent interest in DukeNet, and (ii) Alinda Telecom Investor I, L.P. (Alinda I) and Alinda Telecom Investor II, L.P. (Alinda II), which hold direct interests of approximately 29 percent and 20 percent, respectively, in DukeNet Holdings, and equivalent, indirect interest in DukeNet. DukeNet Venture, a Delaware corporation, is a wholly owned subsidiary of Duke Energy Services, Inc., a Delaware corporation that in turn is an indirect, wholly owned subsidiary of Duke Energy Corp. (Duke Energy), also a Delaware corporation.

TWC, a publicly-traded Delaware corporation, is a multichannel video programming distributor (MVPD) that provides cable television, broadband Internet access service, competitive telecommunications, and VoIP services to residential and business customers in 29 states.²

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants also filed 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 supplements to their domestic section 214 application on November 15 and 18, 2013.

² TWC's subsidiaries are authorized as a competitive telecommunications carrier in Alabama, Arizona, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Maine, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin.

TWC, DukeNet Venture, DukeNet Holdings, Alinda I, and Alinda II have entered into an Equity Purchase Agreement pursuant to which TWC will acquire control of DukeNet Holdings and DukeNet. 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

Domestic Section 214 Application Filed for the Transfer of Control of
DukeNet Communications, LLC to Time Warner Cable Inc., WC Docket No. 13-206
(filed Oct. 31, 2013)

GENERAL INFORMATION

The transfer of control 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 December 3, 2013**, and reply comments **on or before December 10, 2013**. Pursuant to section 63.52 of the Commission's rules, 47 C.F.R. § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents in this proceeding using the Commission's Electronic Comment Filing System (ECFS): <http://fjallfoss.fcc.gov/ecfs2/>.

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

- 1) Myrva.Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

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).

The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the

³ 47 C.F.R. § 63.03(b)(2)(i).

presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b), 47 C.F.R. § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

For further information, please contact Myrva Charles at (202) 418-1506 or Dennis Johnson at (202) 418-0809.

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