



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 13-677
Released: April 10, 2013

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF BAJA BROADBAND, LLC BY TDS BAJA BROADBAND LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 13-89

Comments Due: April 24, 2013
Reply Comments Due: May 1, 2013

On March 28, 2013, Baja Broadband, LLC (Baja) and TDS Baja Broadband LLC (TDS Baja Broadband) (together, Applicants), filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer assets of Baja to TDS Baja Broadband.

Baja is a Delaware limited liability company that provides video, high speed broadband, and competitive voice services to residential and commercial customers in Colorado, New Mexico, Texas, Utah, Arizona, and Nevada. The following U.S. entities own a direct ten percent or greater equity interest in Baja: M/C Venture Partners V, L.P. (33.24 percent), MC Venture Partners VI, L.P. (11.04 percent), Columbia Capital Equity Partners IV (ECI), Ltd. (41.12 percent).²

TDS Baja Broadband is a wholly owned subsidiary of TDS Broadband LLC (TDS Broadband), both Delaware limited liability companies. TDS Broadband is a wholly owned subsidiary of Telephone and Data Systems, Inc. (TDS), a Delaware corporation. Applicants state that TDS is controlled by a voting trust whose trustees are LeRoy T. Carlson, Jr., Walter C.D. Carlson, Prudence E. Carlson, and Dr. Letitia G.C. Carlson, all U.S. citizens. TDS provides incumbent local exchange carrier (LEC) services through 115 subsidiaries in 28 states and competitive LEC services in Illinois and North Dakota. Applicant state that TDS provides incumbent LEC service in Colorado and Arizona but that the service areas of TDS do not overlap with any of Baja's franchise areas. TDS's subsidiary, United States Cellular Corporation (U.S. Cellular), provides wireless services in 36 states. Applicants state that, although U.S. Cellular serves certain areas in Texas and is licensed in Colorado, its service areas do not overlap with any of Baja's franchise areas.

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 wireless services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Applicants have listed detailed ownership information for these entities. Application for Grant of Authority Pursuant to Section 214 of the Communications Act, as Amended, and Section 63.04 of the Commission's Rules to Assign the Domestic 214 Authority of Baja Broadband, LLC to TDS Baja Broadband LLC, WC Docket No. 13-89, at 4-6 (filed Mar. 28, 2013).

Pursuant to the terms of the proposed transaction, TDS Baja Broadband will acquire substantially all of the assets of Baja, including its customers and Commission operating authority. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(ii) 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 Acquisition of Assets of
Baja Broadband, LLC by TDS Baja Broadband LLC, WC Docket No. 13-89 (filed Mar.
28, 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 April 24, 2013**, and reply comments **on or before May 1, 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.⁴

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) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@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.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two

³ 47 C.F.R. § 63.03(b)(2)(ii).

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

⁵ 47 C.F.R. §§ 1.1200 *et seq.*

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 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 Jodie May at (202) 418-0913.

- FCC -