



PUBLIC NOTICE

Federal Communications Commission
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News Media Information 202 / 418-0500
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DA 15-1384
December 3, 2015

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF COMCAST PHONE, LLC, COMCAST PHONE II LLC, COMCAST PHONE OF MICHIGAN, LLC, COMCAST BUSINESS COMMUNICATIONS, LLC AND THEIR WHOLLY-OWNED SUBSIDIARIES TO FIRST COMMUNICATIONS, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 15-294

Comments Due: December 17, 2015
Reply Comments Due: December 24, 2015

Comcast Phone, LLC, Comcast Phone II, LLC, Comcast Phone of Michigan, LLC, and Comcast Business Communications, LLC, on behalf of themselves and their wholly-owned subsidiaries (the Comcast Phone Affiliates), and First Communications, LLC (First Communications) (collectively, Applicants) filed an application pursuant to section 214 of the Communications Act of 1934, as amended, and section 63.03 of the Commission's rules, requesting consent to transfer certain customers and assets of the Comcast Phone Affiliates to First Communications.¹ Applicants state that the specific assets that First Communications is acquiring are those that were formerly owned by CIMCO Communications (CIMCO) and which have been served under the trade name, "CIMCO, A Division of Comcast Business Services."²

The Comcast Phone Affiliates, organized under the laws of various states, are wholly-owned subsidiaries of Comcast Corporation, a Pennsylvania corporation. They are authorized to provide competitive local exchange carrier (LEC) and interexchange services in multiple states.³ Applicants state

¹ 47 C.F.R § 63.03; 47 U.S.C. § 214. Applicants are also filing applications for the transfer of authorizations associated with international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed a supplement to their domestic section 214 application on December 3, 2015.

² See *Applications Filed for the Acquisition of Certain Assets of CIMCO Communications, Inc. by Comcast Phone LLC, Comcast Phone of Michigan, LLC and Comcast Business Communications, LLC*, WC Docket No. 09-183, Memorandum Opinion and Order and Order on Reconsideration, 25 FCC Red 3401 (2010).

³ Applicants state that the Comcast Phone Affiliates provide service in the state in the entity's title. The Comcast Phone Affiliates are: Comcast Phone of Alabama, LLC, Comcast Phone of Arizona, LLC, Comcast Phone of California, LLC, Comcast Phone of Colorado, LLC, Comcast Phone of Connecticut, Inc. Comcast Phone of Florida, LLC, Comcast Phone of Georgia, LLC, Comcast Phone of Illinois, LLC, Comcast Phone of Central Indiana, LLC, Comcast Phone of Iowa, LLC, Comcast Phone of Kansas, LLC, Comcast of Phone of Kentucky, LLC, Comcast

that certain subsidiaries of the Comcast Phone Affiliates provide resold circuit-switched voice service to CIMCO customers in Illinois, Indiana, Michigan, Ohio, and Wisconsin, with Comcast Phone of Illinois also providing LEC service to CIMCO customers in the metropolitan Chicago area by leasing unbundled network element loops from the incumbent service provider. Applicants further state that the following entities also possess resale interexchange authority in their respective states: Comcast Phone of Iowa, LLC; Comcast Phone of Nebraska, LLC; Comcast Phone of Nevada, LLC; Comcast Phone of North Carolina, LLC; Comcast Phone of Oklahoma, LLC; and Comcast Phone of Rhode Island, LLC.

First Communications, an Ohio Limited liability company, provides competitive LEC and other services to business and residential customers in the District of Columbia and every state except Alaska. First Communications is also affiliated with Xtension Services, Inc., a Delaware corporation that provides competitive telecommunications services in multiple states. Applicants state that First Communications is a wholly-owned subsidiary of Summit Data Services, Inc., an Ohio corporation. They further state that Joseph R. Morris, a U.S. citizen, has a 90 percent voting and 52.5 percent equity interest in Summit Data Services, Inc., and Robert Clark, a U.S. citizen, has a 37.5 percent non-voting equity interest in Summit Data Services, Inc.

Pursuant to the terms of the proposed transaction, Applicants will transfer certain assets, including 3,152 telephone service customer accounts and related data, databases, and customer records needed to support the provision of interstate, interexchange, and international telecommunications services to those customers from the Comcast Phone Affiliates to First Communications. Applicants state that the specific assets that First Communication is acquiring are business customers located in 40 states. According to Applicants, the Comcast Phone Affiliates will retain their section 214 and other federal and state authorizations and will continue to offer services to other customers pursuant to those authorities. Applicants assert that this proposed transaction qualifies for presumed streamlined treatment pursuant to 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.⁴

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Comcast Phone, LLC, Comcast Phone II, LLC, Comcast Phone of Michigan, LLC, Comcast Business Communications, LLC and Their Wholly-Owned Subsidiaries to First Communications, LLC, WC Docket No. 15-294 (filed Nov. 25, 2015).

GENERAL INFORMATION

Phone of Louisiana, LLC, Comcast Phone of Northern Maryland, Inc., Comcast Phone of Massachusetts, Inc., Comcast of Michigan, LLC, Comcast Phone of Minnesota, Inc., Comcast Phone of Mississippi, LLC, Comcast Phone of Missouri, LLC, Comcast Phone of Montana, LLC, Comcast Phone of Nebraska, LLC, Comcast Phone of Nevada, LLC, Comcast Phone of New Hampshire, LLC, Comcast Business Communications, Inc. (provides service in New Jersey, organized in Pennsylvania), Comcast Phone of New York, LLC, Comcast Phone of North Carolina, LLC, Comcast Phone of North Dakota, LLC, Comcast Phone of Ohio, LLC, Comcast Phone of Oklahoma, LLC, Comcast Phone of Oregon, LLC, Comcast Phone of Pennsylvania, LLC, Comcast Phone of Rhode Island, LLC, Comcast Phone of South Carolina, Inc., Comcast Phone of Tennessee, LLC, Comcast Phone of Texas, LLC, Comcast Phone of Utah, LLC, Comcast Business Communications of Virginia, LLC (VA), Comcast Phone of Washington, LLC, Comcast Phone of West Virginia, LLC, Comcast Phone of Wisconsin, LLC.

⁴ 47 C.F.R. § 63.03(b)(2)(i).

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 17, 2015**, and reply comments **on or before December 24, 2015**. 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://apps.fcc.gov/ecfs/>.

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

- 1) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@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;
- 4) Sumita Mukhoty, Policy Division, International Bureau, sumita.mukhoty@fcc.gov;
- 5) 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), 1-888-835-5322 (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 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 Tracey Wilson at (202) 418-1394 or Jodie May at (202) 418-0913.

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