



PUBLIC NOTICE

Federal Communications Commission
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News Media Information 202 / 418-0500
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DA 16-1043
September 15, 2016

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE
ACQUISITION OF ASSETS OF BLUE SKY NETWORK, LLC BY BSN BUYER, LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 16-278

Comments Due: September 29, 2016
Reply Comments Due: October 6, 2016

Blue Sky Network, LLC (Blue Sky) and BSN Buyer, LLC (BSN) (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 the telecommunications service assets of Blue Sky to BSN.¹

Blue Sky, a Delaware limited liability company, provides satellite tracking and communications solutions for the aviation, land mobile, and maritime industries. As part of these services, Blue Sky provides interstate, interexchange interconnected voice calling services via satellite in all fifty states, the District of Columbia, and all U.S. territories.

BSN, a Delaware limited liability company, provides no telecommunications services but was formed for the purpose of acquiring Blue Sky's communications business. BSN Midco, LLC (Midco), a Delaware limited liability company, is the managing member of BSN and holds 100 percent of its equity. Kerwood Capital Partners, LLC (Kerwood), a Delaware limited liability company, is the managing member of Midco and holds 100 percent of its equity. Kerwood is managed by its board of managers, which is comprised of the following U.S. Citizens: Jon Gilbert, Kambiz Aghili, Gregoire Demory, Craig Jones, David Dodson, and Robert Whitelaw.²

¹ See 47 U.S.C. § 214; 47 CFR § 63.03. Applicants also filed 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.

² Applicants state that Jon Gilbert directly holds approximately 15 percent of Kerwood's equity. Craig Jones, directly and indirectly holds approximately 10 percent of Kerwood's equity through two investment funds he controls, Ticonderoga KI III, L.P. and Ticonderoga JW L.P, both Delaware limited partnerships.

Applicants have agreed to the transfer of Blue Sky's assets related to the provision of telecommunications services to BSN. Applicants assert that this proposed transaction qualifies for 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.³

Domestic Section 214 Application Filed for the Acquisition of Assets of Blue Sky Network, LLC by BSN Buyer, LLC, WC Docket No. 16-278 (filed Sept. 2, 2016).

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 September 29, 2016**, and reply comments **on or before October 6, 2016**. Pursuant to section 63.52 of the Commission's rules, 47 CFR. § 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 assets 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) Myrva Freeman, Competition Policy Division, Wireline Competition Bureau, myrva.freeman@fcc.gov;
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@fcc.gov;
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov;
- 4) David Krech, International Bureau, david.krech@fcc.gov;
- 5) Sumita Mukhoty, International Bureau, sumita.mukhoty@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

³ 47 CFR § 63.03(b)(2)(i).

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 CFR. § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

For further information, please contact Myrva Freeman at (202) 418-1506 or Gregory Kwan at (202) 418-1191.

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