



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 16-1310  
November 22, 2016

## DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF HIBERNIA ATLANTIC U.S. LLC TO GTT COMMUNICATIONS, INC.

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 16-388

**Comments Due: December 6, 2016**  
**Reply Comments Due: December 13, 2016**

Murosa Development S.a.r.l. (Murosa), Hibernia Atlantic U.S. LLC (HB Atlantic), and GTT Communications, Inc. (GTT) (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 approval for the transfer of control of HB Atlantic to GTT.<sup>1</sup>

HB Atlantic, a Washington limited liability company, provides broadband services to a variety of customers including web-centric, media, enterprise and wholesale customers. HB Atlantic's domestic offerings are interstate in nature and are provided to customers in Arizona, Connecticut, California, Colorado, the District of Columbia, Florida, Georgia, Illinois, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Nevada, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, Washington, Virginia, Wisconsin, and Wyoming. HB Atlantic is a direct, wholly-owned subsidiary of Hibernia NGS Limited (Hibernia NGS), an Ireland company, which in turn is majority-owned by Murosa. Murosa, a Luxembourg investment company, was formed in 2014 for the purpose of obtaining an equity interest in Hibernia NGS.

GTT, a Delaware corporation, through its subsidiaries, is a global provider of cloud networking services. GTT wholly owns GTT Americas, LLC (GTT Americas), a Delaware limited liability company, that provides interstate telecommunications services to customers throughout the United States. GTT Americas is also authorized to provide intrastate telecommunications services in California (interexchange) and New York (local exchange/interexchange). The sole GTT shareholder with greater than 10 percent control is Universal Telecommunications, Inc. (UTI), a Delaware corporation, which currently owns 18.2 percent of the equity interests in GTT. UTI is a small private equity

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<sup>1</sup> 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.

investment and advisory firm wholly owned, controlled, and managed by H. Brian Thompson, a U.S. citizen and GTT's Chairman of the Board.

Pursuant to the terms of the proposed transaction, all of the issued and outstanding equity interests in Hibernia NGS will be sold by Murosa and CVC to GTT. Upon consummation of the proposed transaction, Hibernia NGS will be a direct, wholly owned subsidiary of GTT. HB Atlantic and the other subsidiaries of Hibernia NGS will be either indirect or wholly-owned subsidiaries of GTT. 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.<sup>2</sup>

Domestic Section 214 Application Filed for the Transfer of Control of Hibernia Atlantic U.S. LLC to GTT Communications, Inc., WC Docket No. 16-388 (filed Nov. 10, 2016).

### **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 6, 2016**, and reply comments **on or before December 13, 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 control on the 31<sup>st</sup> 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](mailto:myrva.freeman@fcc.gov);
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, [gregory.kwan@fcc.gov](mailto:gregory.kwan@fcc.gov);
- 3) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov);
- 4) David Krech, International Bureau, [david.krech@fcc.gov](mailto:david.krech@fcc.gov);
- 5) Sumita Mukhoty, International Bureau, [sumita.mukhoty@fcc.gov](mailto:sumita.mukhoty@fcc.gov);

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<sup>2</sup> 47 CFR § 63.03(b)(2)(i).

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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 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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