



PUBLIC NOTICE

Federal Communications Commission
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DA 16-1352
December 6, 2016

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
FPL FIBERNET, LLC AND NEXTERA FIBERNET, LLC TO
CROWN CASTLE INTERNATIONAL CORP.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 16-394

Comments Due: December 20, 2016
Reply Comments Due: December 27, 2016

NextEra Energy, Inc. (NextEra Energy) and Crown Castle International Corp. (CCIC) (together, 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 FPL FiberNet, LLC (FPLFN) and NextEra FiberNet, LLC (NEFN) from NextEra Energy to CCIC.¹

NextEra Energy, a publicly traded Florida corporation, is the ultimate parent of NEFN and FPLFN, both Delaware limited liability companies. FPLFN is a wholly owned subsidiary of FPL FiberNet Holdings, LLC (FPL Holdings), a Delaware limited liability company. Both NEFN and FPL Holdings are wholly owned subsidiaries of FN Investments, LLC, which is a wholly owned subsidiary of NextEra Energy Capital Holdings, Inc. which, in turn, is a wholly owned subsidiary of NextEra Energy. FPLFN and NEFN, combined, provide interstate and intrastate telecommunications services to customers located in Florida and Atlanta, Georgia, Louisiana, and Texas. FPLFN and NEFN combined own approximately 11,500 route miles of fiber in Florida and Texas, inclusive of 6,000 route miles of fiber in top metro markets. FPLFN operates long-haul and metro fiber-optic networks in major metropolitan areas in Florida and Atlanta, Georgia. NEFN, along with reselling interstate long haul circuits, operates a regional long haul broadband transport business in Texas, Arkansas, Louisiana, and Oklahoma with fiber facilities and networks located in major metropolitan areas in Texas.

CCIC, a publicly traded Delaware corporation, through certain of its indirect subsidiaries, owns, operates, leases, or manages approximately 40,000 towers and rooftop sites for wireless communications equipment. Crown Castle Operating Company (CCOC), a Delaware corporation, is a subsidiary of CCIC and is the direct owner of Crown Castle Solutions LLC (Solutions). Subsidiaries of Solutions deploy

¹ See 47 U.S.C. § 214; 47 CFR § 63.03. Applicants also filed applications for the transfer of authorizations associated with international services. On December 1, 2016, Applicants filed a supplement to their domestic section 214 application. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

small cell nodes supported by approximately 17,000 miles of fiber in the United States. Wholly owned subsidiaries of CCOC hold authorizations to provide intrastate telecommunications services in the District of Columbia and every state except Alaska, Maine, Montana, Vermont, and Wyoming. CCOC also directly owns CC FN Holdings LLC (CC FN Holdings), a Delaware limited liability company, created for the purposes of the proposed transaction.² Applicants state that there no owners that hold a 10 percent or greater direct or indirect interest in CCIC.

Pursuant to the terms of the proposed transaction, CC FN Holdings will acquire all of the membership interests of NEFN, FPL Holdings, and another subsidiary FPL TEL, LLC,³ from NextEra Energy. As a result, FPLFN and NEFN will each become an indirect wholly owned subsidiary of CCOC and, ultimately, CCIC. Applicants assert the proposed transaction will not have an adverse impact on the customers of FPLFN and NEFN as they will continue to receive service at the same rates, terms, and conditions. Applicants note an overlap of service areas between certain subsidiaries of CCOC and FPLFN and NEFN in Daytona Beach, Orlando, Tampa, and Miami, Florida, and in Houston, Dallas/Ft. Worth, and Austin, Texas. Applicants, however, assert there will be no adverse impact on competition because the CCOC subsidiaries largely provide different services from FPLFN and NEFN.⁴ 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.⁵

Domestic Section 214 Application Filed for the Transfer of Control of FPL Fibernet, LLC and NextEra FiberNet, LLC to Crown Castle International Corp., WC Docket No. 16-394 (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 20, 2016**, and reply comments **on or before December 27, 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

² Applicants attached as Exhibits A to their Application further information regarding the pre and post-consummation corporate structure, including affiliates of CCIC, CCOC, and other related entities. Applicants attach as Exhibit B to their Application CCOC affiliates that provide telecommunications services.

³ Applicants state that FPL TEL, LLC, a Delaware limited liability company, does not hold any section 214 authority or provide telecommunications services.

⁴ Applicants state that CCOC subsidiaries almost exclusively provide DAS and/or small cell services to the four nationwide wireless carriers while FPLFN and NEFN provide telecommunications services to wireline carriers, ISPs, commercial, government and enterprise customers. One overlap in Volusia County, Florida between FPLFN and a CCIC subsidiary, Sunesys, LLC, is an exception since this CCIC subsidiary provides dedicated point-to-point telecommunications services. Applicants note, however, that FPLFN and Sunesys, LLC do not serve the same buildings with fiber facilities.

⁵ 47 CFR § 63.03(b)(2)(i).

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) 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;

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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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