



# PUBLIC NOTICE

Federal Communications Commission  
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**DOMESTIC SECTION 214 APPLICATION GRANTED FOR THE TRANSFER OF CONTROL  
OF TVC ALBANY, INC. AND SEGTEL, INC.  
TO OHCP NORTHEASTERN FIBER BUYER, INC.**

**WC Docket No. 16-107**

On March 29, 2016, Tech Valley Holdings, LLC (TVC Holdings), TVC Albany, Inc. (TVC), segTEL, Inc. (segTEL), and OHCP Northeastern Fiber Buyer, Inc. (OHCP Northeastern Fiber) (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 to transfer control of TVC and segTEL to OHCP Northeastern Fiber.<sup>1</sup>

On April 14, 2016, the Wireline Competition Bureau (Bureau) released a Public Notice requesting comment on the Application.<sup>2</sup> On April 20, 2016, the Department of Justice, with the concurrence of the U.S. Department of Defense and the U.S. Department of Homeland Security (collectively, the Executive Branch Agencies), filed a letter requesting that the Commission defer action on this proceeding while they completed their review of any national security, law enforcement, and public safety issues.<sup>3</sup> We deferred action on the Application in response to the Executive Branch Agencies' request. On August 25, 2016, the Executive Branch Agencies notified the Bureau that they withdraw their request to defer action.<sup>4</sup> They state that, based on the information provided to them by the Applicants and their analysis of potential national security, law enforcement, and public safety issues, they have no objection to the Application.

The Bureau finds, upon consideration of the record, that grant of the Application will serve the public interest, convenience, and necessity.<sup>5</sup> Upon consummation of the transaction, the resulting entity will have a market share in the U.S. interstate interexchange market of less than 10 percent and will provide competitive telephone exchange services or exchange access services (if at all) exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the transaction. In

<sup>1</sup> See 47 C.F.R. § 63.03; 47 U.S.C. § 214. *Domestic Section 214 Application Filed for the Transfer of Control of TVC Albany, Inc. and segTEL, Inc. to OHCP Northeastern Fiber Buyer, Inc.*, WC Docket No. 16-107 (filed Mar. 29, 2016) (Application).

<sup>2</sup> *Domestic Section 214 Application Filed for the Transfer of Control of TVC Albany, Inc. and segTEL, Inc. to OHCP Northeastern Fiber Buyer, Inc.*, Public Notice, 31 FCC Rcd 3579 (WCB 2016).

<sup>3</sup> See Letter from Bermel R. Paz, U.S. Department of Justice, to Marlene H. Dortch, FCC, WC Docket No. 16-107 (filed Apr. 20, 2016).

<sup>4</sup> Letter from Bermel R. Paz, U.S. Department of Justice, to Marlene H. Dortch, FCC, WC Docket No. 16-107 (filed Aug. 25, 2016).

<sup>5</sup> See 47 C.F.R. § 63.03(b).

addition, the Applicants are not dominant with respect to any domestic service.<sup>6</sup>

Pursuant to section 1.103 of the Commission's rules, 47 C.F.R. § 1.103, the grant is effective upon release of this Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Dennis Johnson, Wireline Competition Bureau, Competition Policy Division, (202) 418-0809.

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<sup>6</sup> 47 C.F.R. 63.03(b)(2)(i).