



PUBLIC NOTICE

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DA 17-585
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**DOMESTIC SECTION 214 APPLICATION GRANTED
FOR THE TRANSFER OF CONTROL OF
BROADVIEW NETWORKS HOLDINGS, INC.
TO WINDSTREAM HOLDINGS, INC.**

WC Docket No. 17-110

By this Public Notice, the Wireline Competition Bureau (Bureau) grants the application filed by Broadview Networks Holdings, Inc. (Broadview) and Windstream Holdings, Inc. (Windstream) (collectively, Applicants), pursuant to Section 214 of the Communications Act of 1934, as amended (Act), and Section 63.03 of the Commission's rules,¹ seeking approval to transfer control of various wholly owned subsidiaries of Broadview to Windstream.² No commenter opposed the grant of the Application.³

The Bureau finds, upon consideration of the record, that the proposed transfer will serve the public interest, convenience, and necessity and, therefore, grants the requested authorization.⁴ Pursuant to

¹ 47 U.S.C. § 214; 47 CFR § 63.03. Application to Transfer Control of Domestic and International Section 214 Authorizations, WC Docket No. 17-110 (filed Apr. 27, 2017) (Application).

² On May 12, 2017, the Bureau released a public notice accepting the domestic portion of the Application associated with this transaction for non-streamlined processing. *Domestic Section 214 Application Filed for the Transfer of Control of Broadview Networks Holdings, Inc. to Windstream Holdings, Inc.*, Public Notice, WC Docket No. 17-110 (WCB May 12, 2017). Applicants also filed applications for the transfer of authorizations associated with international services. Any action on the domestic Section 214 application is without prejudice to Commission action on other related, pending applications. On June 13, 2017, Applicants filed a supplement to the Application to update certain Windstream ownership information. Letter from Julie A. Veach, Counsel to Windstream Holdings, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-110 (filed June 13, 2017).

³ On June 2, 2017, Applicants filed reply comments stating that, in light of the asserted public interest benefits associated with the proposed transaction, including the availability of a broader range of services and the ability of the companies to serve more customers through on-net facilities, and the fact that no party voiced objections to the transaction, the Commission should act on the Application expeditiously. Applicants' Reply Comments in Support of Consolidated Applications to Transfer Control of International and Domestic Section 214 Authorizations at 1-2.

⁴ 47 CFR § 63.03(b); see *Applications Filed by Qwest Communications and CenturyTel, Inc. d/b/a CenturyLink for Consent to Transfer Control*, Memorandum Opinion and Order, 26 FCC Rcd 4194, 4202, para. 15 (2011) (referring to Applicants' overlapping competitive local exchange carrier (LEC) operations and stating "[r]ather than harming competition, we believe that the combination of the Applicants' facilities in these markets could result in a stronger competitive LEC and enhance the merged company's ability to compete against the incumbent LEC."); *Applications Filed for the Transfer of Control of tw telecom inc. to Level 3 Communications, Inc.*, Memorandum Opinion and Order, 29 FCC Rcd 12842, 12847, para. 14 (WCB/IB 2014) (finding that the combination of two competitive LECs with largely complimentary networks could be a stronger competitor to incumbent LECs and large national providers, thereby resulting in benefits for consumers).

Section 1.103 of the Commission's rules, 47 CFR § 1.103, the consent granted herein is effective upon the release of this Public Notice. Pursuant to Sections 1.106 and 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, petitions for reconsideration and applications for review may be filed within 30 days of the release of this Public Notice. For purposes of computation of time when filing a petition for reconsideration or application for review, or for judicial review of the Commission's decision, the date of "public notice" shall be the release date of this notice.⁵ Should no petitions for reconsideration, applications for review, or petitions for judicial review be timely filed, the proceeding listed in this Public Notice shall be terminated, and the docket will be closed.

For further information, please contact Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1191.

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⁵ See 47 CFR § 1.4 (computation of time).