



PUBLIC NOTICE

Federal Communications Commission
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DA 17-681
July 14, 2017

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE
TRANSFER OF CONTROL OF GC PIVOTAL, LLC D/B/A GLOBAL CAPACITY TO
GTT AMERICAS, LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 17-176

Comments Due: July 28, 2017
Reply Comments Due: August 4, 2017

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Pivotal Global Capacity, LLC (Pivotal Global Capacity), GC Pivotal, LLC d/b/a Global Capacity (Global Capacity), and GTT Americas, LLC (GTTA) (collectively, the Applicants), 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 Global Capacity to GTTA.¹

Pivotal Global Capacity, an Arizona limited liability company, does not provide telecommunications services itself but is a holding company that wholly owns Global Capacity. Global Capacity, a Delaware limited liability company, provides or is authorized to provide competitive local exchange carrier (LEC), competitive access, and/or interexchange telecommunications services in the District of Columbia and every state except Alaska.

GTTA, a Delaware limited liability company, is authorized to provide competitive LEC, competitive access, and/or interexchange telecommunications services in California and New York. GTTA also provides interstate communications services to customers throughout the United States.² GTTA is an operating subsidiary of GTT Communications, Inc (GTT Parent), a Delaware corporation and publicly traded company. GTT Parent, through its operating subsidiaries, is a global provider of cloud

¹ See 47 U.S.C. § 214; 47 CFR § 63.03. Applicants also filed an application for the transfer of authorizations associated with international services. On July 13, 2017, 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.

² Hibernia Atlantic U.S. LLC, a Washington limited liability company and GTTA's affiliate, provides interstate telecommunications services 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.

networking services, wide area network services, Internet services, managed network, and voice and unified communications services. The following Delaware corporation and U.S. citizen hold a 10 percent or greater direct or indirect interest in GTT Parent: Universal Telecommunications, Inc. (UTI) (16.60 percent directly in GTT Parent) and H. Brian Thompson (approximately 16.60 percent indirectly in GTT Parent, as the majority shareholder of UTI).³

Pursuant to the terms of the proposed transaction, GTTA will acquire all the outstanding equity interest in Global Capacity, thus, Global Capacity will be a direct, wholly owned subsidiary of GTTA and an indirect, wholly owned subsidiary of GTT Parent.⁴ Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under Section 63.03(b)(2)(ii) 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
GC Pivotal, LLC d//b/a Global Capacity to GTT Americas, LLC, WC Docket No. 17-176
(filed June 26, 2017).

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 July 28, 2017**, and reply comments **on or before August 4, 2017**. 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 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) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau,
tracey.wilson@fcc.gov;
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau,
gregory.kwan@fcc.gov;

³ Applicants state that neither GTT Parent, UTI, nor H. Brian Thompson hold a 10 percent or greater interest in any domestic telecommunications carrier other than GTTA and Hibernia Atlantic U.S. LLC.

⁴⁴ Applicants attach as Exhibit B to their application, diagrams depicting the pre-and post-ownership structure of the relevant companies.

⁵ 47 CFR § 63.03(b)(2)(ii).

- 3) David Krech, International Bureau, david.krech@fcc.gov;
- 4) Sumita Mukhoty, International Bureau, sumita.mukhoty@fcc.gov, and
- 5) Jim Bird, Office of General Counsel, jim.bird@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 Tracey Wilson at (202) 418-1394 or Gregory Kwan at (202) 418-1191.

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