



PUBLIC NOTICE

Federal Communications Commission
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DA 17-794
August 23, 2017

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE
TRANSFER OF CONTROL OF FIBER TECHNOLOGIES NETWORKS, L.L.C.,
LIGHTOWER FIBER NETWORKS I, LLC, AND LIGHTOWER FIBER NETWORKS II, LLC
TO CROWN CASTLE INTERNATIONAL CORP.**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 17-204

Comments Due: September 6, 2017
Reply Comments Due: September 13, 2017

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Crown Castle International Corp. (CCIC); LTS Group Holdings LLC (LTS Holdings); Fiber Technologies Networks, L.L.C. (Fibertech), Lightower Fiber Networks I, LLC (LFN I), and Lightower Fiber Networks II, LLC (LFN II) (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 Fibertech, LFN I, and LFN II (together, the Licensees) to CCIC.¹

LTS Holdings and Licensees (collectively, Lightower), together, operate as a competitive provider of fiber network services to enterprise, government, carrier, and data center customers.² Lightower's network consists of approximately 30,000 route miles, providing access to over 20,000 service locations in the Northeast, Mid-Atlantic, and Midwest United States.³ Collectively, Licensees provide intrastate or interstate telecommunications services primarily in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New

¹ See 47 U.S.C. § 214; 47 CFR § 63.03. Applicants filed a supplement to their Application on August 21, 2017. See Letter from Yaron Dori and Michael Beder, Counsel to LTS Holdings and Licensees, Tamar E. Finn and Brett P. Ferencak, Counsel to CCIC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-204 (filed Aug. 21, 2017) (Applicants' Aug. 21 Supplement Letter). Applicants also filed an application 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.

² Application at 2.

³ *Id.*

Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.⁴

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 subsidiary of CCIC, is the direct owner of Crown Castle Solutions LLC (Solutions).⁵ CCOC's subsidiaries provide transport, back-haul, and distributed antenna system (DAS)/small cell services as well as dedicated point-to-point telecommunications services.⁶ Subsidiaries of CCOC deploy small cell nodes supported by approximately 29,000 route miles of fiber in the United States.⁷

Pursuant to the terms of the proposed transaction, the parties will complete a series of steps, including the "merger" of LTS Group Holdings Merger Sub, Inc., a subsidiary of CCOC, with and into LTS Holdings, with LTS Holdings as the surviving entity.⁸ As a result of the proposed transaction, LTS Holdings will be a direct, wholly owned subsidiary of CCOC, and the Licensees will be indirect, wholly owned subsidiaries of CCOC, and ultimately subsidiaries of CCIC.⁹

Applicants state that the proposed transaction is in the public interest.¹⁰ Applicants maintain that the proposed transaction is likely to result in the following public interest benefits: 1) expedite the expansion of wireless broadband infrastructure; 2) bring Lighttower's experience with high-bandwidth fiber solutions to CCIC's existing fiber subsidiaries; and 3) will allow the combined entity to provide a wider range of services to customers.¹¹ Applicants state that the transaction will "not reduce competition or harm retail or wholesale customers."¹² Specifically, Applicants contend that, although they have overlapping services in the Baltimore, Boston, Chicago, New York, Philadelphia, Pittsburgh, and Washington, DC metro areas, the two companies primarily provide different services to different customers, and therefore, the transaction will not result in adverse effects on competition.¹³ Applicants also state that none of the Applicants or their affiliates provide traditional switched telecommunications

⁴ *Id.* at 16. A complete description of states where the Licensees are authorized to provide service is listed in the Application. *Id.* at 16-17.

⁵ *Id.* at 2.

⁶ *Id.*

⁷ *Id.* 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.

⁸ *Id.* at 3.

⁹ *Id.*

¹⁰ *Id.* at 4.

¹¹ *Id.* at 5-7.

¹² *Id.* at 8.

¹³ *Id.* at 3, 9. Applicants note that they have other overlap areas involving a smaller number of customers in other parts of the U.S. Applicants' Aug. 21 Supplement at 2, n.3.

services.¹⁴ Because this transaction is more complex than usual, in order to analyze whether the proposed transaction would serve the public interest, this application will not be streamlined.¹⁵

Domestic Section 214 Application Filed for the Transfer of Control of Fiber Technologies Networks, L.L.C., Lightower Fiber Networks I, LLC and Lightower Fiber Networks, II, LLC to Crown Castle International Corp., WC Docket No. 17-204 (filed Aug. 8, 2017).

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a non-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 September 6, 2017**, and reply comments **on or before September 13, 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.

Pursuant to Section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents 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 Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 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

¹⁴ *Id.* at 9.

¹⁵ 47 CFR § 63.03(b), (c)(1)(v).

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 Charles at (202) 418-1506 or Dennis Johnson at (202) 418-0809.

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