



PUBLIC NOTICE

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DA 17-867

Released: September 8, 2017

DOMESTIC SECTION 214 APPLICATION GRANTED FOR THE TRANSFER OF CONTROL OF FINER LAKES TECHNOLOGIES GROUP, INC. TO OHCP NORTHEASTERN FIBER BUYER, INC.

WC Docket No. 17-66

By this Public Notice, the Wireline Competition Bureau (Bureau) grants the application filed by Trumansburg Telephone Company, Inc. (Trumansburg) and OHCP Northeastern Fiber Buyer, Inc. (OHCP Buyer) (together, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and Section 63.03 of the Commission's rules, for consent to transfer control of Finger Lakes Technologies Group, Inc. (FLTG) from Trumansburg to OHCP Buyer.¹

On March 23, 2017, the Bureau released a Public Notice requesting comment on the Application.² On April 4, 2017, 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.³ We deferred action in response to the Executive Branch Agencies' request. On September 6, 2017, the Executive Branch Agencies notified the Bureau that they withdraw their request to defer action.⁴ They state that, based on

¹ See 47 U.S.C. § 214; 47 CFR § 63.03. Application of Trumansburg Telephone Company, Inc. and OHCP Fiber Buyer, Inc. for Consent to Transfer Control Pursuant to Section 214 of the Communications Act of 1934, as Amended, WC Docket No. 17-66 (filed Mar. 16, 2017) (Application). FLTG provides competitive local exchange carrier (LEC) service in upstate New York, including through a fiber network covering approximately 2,500 miles from Rochester to Ithaca and to Syracuse, and then back to Rochester. FLTG also provides competitive LEC service in northern Pennsylvania. OHCP Buyer wholly owns TVC Albany, Inc. (TVC) and TVC's wholly owned subsidiaries that provide telecommunications services. The subsidiaries are the "FirstLight Companies," including segTEL, Inc., that provide fiber-based competitive LEC services in Maine, Massachusetts, New Hampshire, New York, and Vermont, Oxford County Telephone & Telegraph Company and its wholly owned subsidiaries (Oxford) that provide incumbent LEC and competitive LEC fiber-based services in Maine, Massachusetts, and New Hampshire, and the Sovernet Companies (Sovernets) that provide fiber-based competitive LEC services in New Hampshire, Vermont, Massachusetts, New York, and Pennsylvania. Applicants state that the fiber networks of FLTG, the FirstLight Companies, Oxford, and Sovernet are complementary and adjacent, with minimal overlap. Application at 15-16.

² *Domestic Section 214 Application Filed for the Transfer of Control of Finger Lakes Technologies Group, Inc. to OHCP Northeastern Fiber Buyer, Inc.*, Public Notice, 32 FCC Rcd 1986 (WCB 2017).

³ Letter from Bermel R. Paz, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-66 (filed Apr. 4, 2017).

⁴ Letter from S. Elizabeth Poteat, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-66 (filed Sept. 6, 2017).

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.⁵

No comments were filed in opposition to a grant of the Application, and the Bureau finds, upon consideration of the record, that grant of the Application will serve the public interest, convenience, and necessity.⁶ 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 Jodie May, Wireline Competition Bureau, Competition Policy Division, (202) 418-0913.

⁵ *Id.* at 1.

⁶ 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 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).