



PUBLIC NOTICE

Federal Communications Commission
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News Media Information 202 / 418-0500
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DA 18-215
March 5, 2018

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF NEAR NORTH PARTNERS, LLC BY ZAYO GROUP, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 18-49

Comments Due: March 19, 2018
Reply Comments Due: March 26, 2018

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Near North Partners, LLC (NNP) and Zayo Group, LLC (Zayo) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules, requesting approval to transfer certain assets, including customers, of NNP to Zayo.¹

NNP, an Illinois limited liability company and its affiliate Neutral Path Communications, LLC (NPC and together with NNP, Neutral Path) provide competitive telecommunications services and other services in multiple states.² Zayo is authorized to provide competitive telecommunications services in the District of Columbia and every state except Alaska and Hawaii. Scott-Rice Telephone Co. (Scott-Rice), a subsidiary of Zayo, is an incumbent local exchange carrier in Minnesota serving the Prior Lake, New Market and Webster exchanges. Zayo, a Delaware limited liability company, is a wholly owned subsidiary of Zayo Group Holdings, Inc. (ZGH), a publicly traded Delaware corporation.³

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. On March 5, 2018, Applicants filed a supplement filed to their application.

² NPC does not provide telecommunications services but rather only provides dark fiber, colocation, cross connect and related facilities to customers.

³ GTCR Partners X/A&C LP, a U.S. entity, holds approximately a 10.9% interest in Zayo Holdings as the general partner of various funds, none of which individually hold a 10% interest. GTCR Investment X LLC, a U.S. entity, holds approximately an 11% interest in Zayo Holdings as the general partner of GTCR Partners X/A&C LP and GTCR Co-Invest X LP. The members of the board of managers of GTCR Investment X LLC are all U.S. citizens. Additional information regarding the ownership of Zayo Holdings is available in the Application. Application at 6-7.

Pursuant to the terms of an Asset Purchase Agreement, Zayo will acquire substantially all the assets of Neutral Path, including all network facilities and customers. The Applicants state that immediately following completion of the proposed transaction, NNP's customers will continue to receive service on the same terms and conditions from Zayo without interruption or disruption. Applicants state that Neutral Path does not provide telecommunications services in, or adjacent to, Scott-Rice's service area. 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.⁴

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Near North Partners, LLC by Zayo Group, LLC, WC Docket No. 18-49 (filed Feb. 15, 2018).

GENERAL INFORMATION

The transfer of assets 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 March 19, 2018**, and reply comments **on or before March 26, 2018**. 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 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) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov; and
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), 1-888-835-5322 (tty).

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

⁴ 47 CFR § 63.03(b)(2)(ii).

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 Dennis Johnson at (202) 418-0809.

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