



PUBLIC NOTICE

Federal Communications Commission
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DA 18-420
April 25, 2018

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF SUNSET DIGITAL COMMUNICATIONS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 18-98

Comments Due: May 9, 2018
Reply Comments Due: May 16, 2018

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application filed by Sunset Digital Communications, Inc. (Sunset Digital), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,¹ requesting approval for the transfer of control of Sunset Digital and its wholly owned subsidiary, Sunset Fiber, LLC (Sunset Fiber), to Sunset Digital Holding, LLC (Sunset Digital Holding).²

Sunset Digital, a Virginia corporation, provides competitive telecommunications services in portions of Virginia and Tennessee. Sunset Digital wholly owns Sunset Fiber, a Virginia limited liability company, that currently does not provide services but holds authority to provide competitive telecommunications services in Virginia. Sunset Digital is owned by Paul and Ryan Elswick, both U.S. citizens, and each currently holding an equal 50 percent.

Sunset Digital Holding, a Delaware corporation, is a holding company and does not itself provide telecommunications services. Applicants state that, following the consummation of the proposed transaction, Point Broadband, LLC (Point Broadband), a Georgia limited liability

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04.

² On April 17, 2018, Applicants filed a supplement to their domestic section 214 application. The proposed transaction is related to two domestic section 214 applications filed by the Applicants that the Bureau granted on January 16, 2018. In the first, the Bureau granted the acquisition of certain assets of the Bristol Virginia Utilities Authority by Sunset Fiber. *Notice of Domestic Section 214 Authorizations Granted*, WC Docket Nos. 17-353, 17-268, 17-273, Public Notice, DA 18-47 (WCB Jan. 16, 2018). In the second, the Bureau granted a transfer of control application that will not be consummated but will be replaced by the proposed transaction at issue here in this Public Notice. Letter from Robert J. Gastner, counsel to Applicants, to Marlene Dortch, Secretary, FCC, WC Docket No. 17-273 (filed April 17, 2018).

company, will hold a 59.5 percent interest in Sunset Digital Holding, and Paul Elswick and Ryan Elswick will each hold a 16.5 percent interest. Applicants state that Point Broadband is not currently authorized to provide telecommunications services in any jurisdiction. Applicants further state that ITC Capital Partners, LLC (ITC), a Delaware limited liability company, holds a 36.06 percent interest in Point Broadband. According to the Applicants, no entity or individual holds a 10 percent or greater interest in ITC.³

Pursuant to the terms of the proposed transaction, Sunset Digital Holding will become the parent company of both Sunset Digital and Sunset Fiber. As a result, Sunset Digital will no longer wholly own Sunset Fiber. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) 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 Transfer of Control of
Sunset Digital Communications, Inc, WC Docket No. 18-98 (filed Mar. 30, 2018).

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 May 9, 2018**, and reply comments **on or before May 16, 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) Myrva Charles, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Gregory Kwan, Wireline Competition Bureau, gregory.kwan@fcc.gov;
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov;

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³ Applicants state that ITC is managed by Todd Holt, Tim Knight, and Chad Wachter, all U.S. citizens, and that ITC holds a 20 percent ownership interest in Resound Networks LLC, a Texas limited liability company that provides fixed wireless service in Texas and New Mexico.

⁴ 47 CFR § 63.03(b)(2)(i).

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 Myrva Charles at (202) 418-1506 or Gregory Kwan at (202) 418-1191.

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