



PUBLIC NOTICE

Federal Communications Commission
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DA 19-1111
October 28, 2019

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF AXXIS COMMUNICATION, INC. TO BLUE MOUNTAIN NETWORKS LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 19-301

Comments Due: November 12, 2019
Reply Comments Due: November 19, 2019

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Axxis Communication, Inc. (Axxis Communication), Dan Bubb (Mr. Bubb), and Blue Mountain Networks LLC (Blue Mountain Networks) (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 consent to transfer control of Axxis Communication from Mr. Bubb to Blue Mountain Networks.¹

Axxis Communication, an Oregon corporation, is a competitive local exchange carrier (LEC) providing telecommunications services in North Central Oregon and South Central Washington in and around Hood River, Oregon and the Columbia River Gorge area.² Mr. Bubb wholly owns Axxis Communication.

Blue Mountain Networks, a Delaware limited liability company, was recently formed for the purpose of this proposed transaction. Blue Mountain Networks is 98% owned by Blue Mountain Holdings LLC (Blue Mountain Holdings), also a Delaware limited liability company recently formed for purposes of this proposed transaction. ZRF Partners LLC (ZRF Partners), a New Jersey limited liability company, is the managing member of, and controls, Blue Mountain Holdings. The following U.S. citizens are expected to hold a 10% or greater interest in Blue Mountain Holdings: Sardar Faisal Nisar (approximately 15-25%); Saba N. Nisar 2012 Spousal Lifetime Access Trust

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants are also filing an application for the transfer of control of international and wireless services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Axxis Communication's affiliate, Gorge Networks Inc. (Gorge Networks), provides Internet access services in the same region.

(approximately 15-25%); and Stephen Thomas Barraclough (approximately 15-20%).³ Applicants state that neither ZRF Partners nor its affiliates currently provide or have an ownership interest in any provider of telecommunications services.⁴

Pursuant to the terms of the Stock Purchase Agreement, Blue Mountain Networks will acquire from Mr. Bubb all outstanding common shares of Axxis Communication. As a result of the proposed transaction, Axxis Communication will become a wholly owned, direct subsidiary of Blue Mountain Networks.

Applicants assert that the proposed transaction is entitled to streamlined treatment under the Commission's rules and that a grant of the application would serve the public interest, convenience, and necessity. We accept this application for filing under section 63.03(b)(2)(i) of the Commission's rules.⁵

Domestic Section 214 Application Filed for the Transfer of Control of
Axxis Communication, Inc. to Blue Mountain Networks LLC,
WC Docket No. 19-301 (filed Oct. 18, 2019).

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 November 12, 2019**, and reply comments **on or before November 19, 2019**. 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;

³ Applicants state that Blue Mountain Networks is still finalizing its ownership structure and the interests listed here could fluctuate slightly, but they do not expect any other person or entity to hold a 10% or greater interest in the company.

⁴ Blue Mountain Networks separately filed an application to acquire control of Eastern Oregon Telecom, LLC (Eastern Oregon Telecom) a competitive LEC that provides services in Oregon and Washington. Applicants state that the service area of Axxis Communication does not overlap with, and is not directly adjacent to, Eastern Oregon Telecom's service area. See Joint Application to Transfer Control of Eastern Oregon Telecom, LLC to Blue Mountain Networks LLC, WC Docket No. 19-300 (filed Oct. 18, 2019).

⁵ 47 CFR § 63.03(b)(2)(i).

- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) Sumita Mukhoty, Policy Division, International Bureau, smita.mukhoty@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov;
- 5) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, linda.ray@fcc.gov;
and
- 6) 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 Dennis Johnson at (202) 418-0809.

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