



PUBLIC NOTICE

Federal Communications Commission
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DA 19-1195
November 20, 2019

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF ZIPPYTECH, INC. AND ZIPPYTECH OF NEW MEXICO, INC. TO TING FIBER, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 19-331

Comments Due: December 4, 2019

Reply Comments Due: December 11, 2019

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Cedar Holdings Group, Inc. (Cedar) and Ting Fiber, Inc. d/b/a Ting Internet (Ting Fiber) (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 Cedar, including its wholly owned subsidiaries, Zippytech, Inc. (Zippytech) and Zippytech of New Mexico, Inc. (Zippytech NM), to Ting Fiber.¹

Cedar, a Delaware corporation, through its wholly owned operating subsidiaries, provides voice and other telecommunications services in Colorado and New Mexico.² Zippytech, a Colorado corporation, serves as a competitive local exchange carrier (LEC) in the communities of Adams, Arapahoe, Archuleta, Boulder, Delta, Eagle, Garfield, Gunnison, Jefferson, La Plata, Mesa, Moffat, Montezuma, Montrose, Park, Pitkin, Rio Blanco, San Juan, Summit, and Weld, Colorado. Zippytech NM, a New Mexico corporation, serves as a competitive LEC in the communities of Bernalillo, Cibola, Don Ana, McKinley, San Juan, Santa Fe, Sandoval, and Valencia, New Mexico.

Ting Fiber, a Delaware corporation, owns and operates fiber optic networks providing Internet access and other services in several U.S. markets, including Centennial, Colorado; Charlottesville, Virginia; Holly Springs and Fuquay-Varina, North Carolina; and Sandpoint, Idaho.³

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. On November 15 and 19, 2019, Applicants filed supplements to their domestic section 214 application. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Applicants state that the following U.S. citizens hold a 10% or greater interest in Cedar Holdings: Vijay Bastawade (43%), Jeff Fink (43%), and Chris Stebner (10%).

³ Applicants state that Ting Fiber also operates and provides Internet access to customers over a fiber optic network in Westminster, Maryland owned by the City of Westminster, Maryland and in Nelson County,

Ting Fiber's wholly owned subsidiary, Ting Virginia, LLC, a Virginia limited liability and holding company, wholly owns Fiber Roads, LLC (Fiber Roads), a Virginia limited liability company that provides service as a competitive LEC in Charlottesville, Virginia. Applicants state that Ting Fiber does not currently provide telecommunications services in Colorado or New Mexico. Ting Fiber is wholly owned by Tucows, Inc. (Tucows), a publicly traded Pennsylvania corporation, that provides Internet services and wholly owns, Ting, Inc., a mobile service provider in the U.S. Applicants state that Investmentaktiengesellschaft Fuer Langfristige Investoren TGV (TGV), an investment stock company organized under the laws of Germany, owns 15.2% of Tucows. TGV is ultimately controlled by Jens Grosse-Allermann and Norman Retrop, both German citizens. Applicants state that Ting Fiber, Fiber Roads, and Tucows do not hold an interest above 10% in any other provider of domestic telecommunications services.

Pursuant to the terms of the proposed transaction, Ting Fiber will acquire all of the issued and outstanding capital stock of Cedar. 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.⁴

Domestic Section 214 Application Filed for the Transfer of Control of Zippytech, Inc. and Zippytech of New Mexico, Inc. to Ting Fiber Inc., WC Docket No. 19-331 (filed Nov. 1, 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 December 4, 2019**, and reply comments **on or before December 11, 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;
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, greg.kwan@fcc.gov; and

Virginia over a fiber optic network owned by the Nelson County Broadband Authority and the Rockbridge Area Network Authority.

⁴ 47 CFR § 63.03 (b)(2)(i).

3) 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 Gregory Kwan at (202) 418-1191.

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