



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 19-731  
July 31, 2019

## DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF AMERICAN NETWORK, INC. TO HAMMER FIBER OPTIC HOLDINGS CORP.

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 19-202

**Comments Due: August 14, 2019**  
**Reply Comments Due: August 21, 2019**

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by American Network, Inc. (American Network) and Hammer Fiber Optics Holdings Corp. (Hammer) (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 American Network to Hammer.<sup>1</sup>

American Network, a Delaware corporation, provides competitive local exchange service in a single exchange in southeastern New York. Hammer, a publicly traded Nevada corporation, does not provide telecommunications services itself but wholly owns Endstream Communications, LLC (Endstream), a New York limited liability company, that provides domestic and international telecommunications services purchased by other carriers to provide toll free, calling card, and other telecommunications services. Hammer also wholly owns 1st Point Communications, LLC (1st Point), a New Jersey limited liability company, which provides interconnected VoIP services. Applicants state that no single individual or entity holds a 10% or greater interest in Hammer.<sup>2</sup>

Pursuant to the terms of the proposed transaction, all the outstanding shares of American Network will be purchased by 1st Point, thereby making Hammer the ultimate owner of American Network. Applicants assert the proposed transaction is entitled to streamlined treatment under

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<sup>1</sup> See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. On July 24, 2019 and July 26, 2019, Applicants filed supplements to their domestic section 214 application.

<sup>2</sup> Applicants state that Hammer is managed by a four-member board of directors, each U.S. citizens: Michael Cothill (Executive Chairman), Erik Levitt (CEO), Mark Stogdill (CFO and Executive Director), and Michael Sevell (Non-Executive Director). Applicants further state that neither Hammer, any of Hammer's board members, nor 1st Point, hold a 10% or greater interest in any other provider of domestic telecommunications services.

section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application would serve the public interest, convenience, and necessity.<sup>3</sup>

Domestic Section 214 Application Filed for the Transfer of Control of  
American Network, Inc. to Hammer Fiber Optic Holdings Corp.,  
WC Docket No. 19-202 (filed July 5, 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 August 14, 2019**, and reply comments **on or before August 21, 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) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, [myrva.charles@fcc.gov](mailto:myrva.charles@fcc.gov);
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, [gregory.kwan@fcc.gov](mailto:gregory.kwan@fcc.gov); and
- 3) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto: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](mailto: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 *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

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<sup>3</sup> 47 CFR § 63.03(b)(2)(i).

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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