



PUBLIC NOTICE

Federal Communications Commission
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DA 20-1170
October 6, 2020

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF ITS FIBER, LLC AND ITS TELECOMMUNICATIONS SYSTEMS, INC.
TO BLUE STREAM COMMUNICATIONS LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-256

Comments Due: October 20, 2020
Reply Comments Due: October 27, 2020

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Postco, Inc. (Postco), ITS Fiber, LLC (ITS Fiber), ITS Telecommunications Systems, Inc. (ITS Telecommunications, and together with ITS Fiber, the Licensees), and Blue Stream Communications LLC (Blue Stream) (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 the Licensees to Blue Stream.¹

Postco, a Florida corporation, is a holding company that does not provide telecommunications services itself but wholly owns the Licensees, both Florida entities. ITS Telecommunications provides service as an incumbent local exchange carrier (LEC) to approximately 1,623 access lines in and around the Village of Indiantown in Martin County in southeastern Florida and also offers long distance services to its customers. ITS Fiber serves as a competitive LEC that offers telecommunications services primarily in Martin County, Florida and outside the incumbent LEC territory of ITS Telecommunications.

Blue Stream, a Delaware limited liability company, provides competitive communications, cable, and other services in south Florida. Blue Stream is a direct, wholly owned subsidiary of TPC ACC Acquisition, LLC (TPC ACC) and an indirect, wholly owned subsidiary of TPC Broadband Holdings LLC (Holdings), which, in turn, is an indirect wholly owned subsidiary of GI DI Zebra Holdings LP (Zebra Holdings), all of which are Delaware limited liability companies.² Zebra

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed an application for the transfer of authorizations associated with international services. On September 15, 2020 and September 24, 2020, 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 provide post-transaction ownership charts in Exhibit A of their application. Applicants also provide, in Exhibit C, a list of entities that, post-consummation, will hold a 10% or greater interest in the

Holdings is indirectly held and ultimately managed by GI Manager LLC (GI Manager), a Delaware entity. GI Manager LLC is controlled by Rick Magnuson, a U.S. citizen, as Trustee of the Magnuson Living Trust, a California trust that is the Managing Member of GI Manager.³

Pursuant to the terms of the proposed transaction, Blue Stream will acquire all of the outstanding equity interests of Licensees, which will become direct subsidiaries of Blue Stream. Applicants state that there are no overlapping or adjacent local exchange service territories between the Licensees and Blue Stream, or any of its affiliates. Applicants request streamlined treatment of the proposed transaction under the Commission's rules and assert 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)(ii) of the Commission's rules.⁴

Domestic Section 214 Application Filed for the Transfer of Control of
ITS Fiber, LLC and ITS Telecommunications Systems, Inc. to
Blue Stream Communications LLC, WC Docket No. 20-256 (filed Aug. 10, 2020).

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 October 20, 2020**, and reply comments **on or before October 27, 2020**. 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:

Licensees, including a list of intermediate holding companies sitting between TPC ACC and Zebra Holdings, each Delaware limited liability companies.

³ Applicants state that the sole beneficiaries of the Magnuson Living Trust are Rick and Allison Magnuson, both U.S. citizens. Applicants further state that the Magnuson Living Trust, GI Manager, and two other intermediate entities (GI Manager Holdings LLC and GI Manager LP, both Delaware entities) hold a 10% or greater interest in the following domestic telecommunications carriers, both Delaware corporations: Flexential Corp. (Flexential) (approximately 98.6%), providing local resale service in multiple states, and Single Digits, Inc. (Single Digits) (approximately 95.6%), providing communications services in all 50 states, the District of Columbia, and Puerto Rico. Applicants further state that other than these interests in Flexential and Single Digits, no upstream entity sitting above Blue Stream holds a 10% or greater interest in any provider of domestic telecommunications services.

⁴ 47 CFR § 63.03(b)(2)(ii).

- 1) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
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- 3) Sumita Mukhoty, Policy Division, International Bureau, sumita.mukhoty@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) 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 *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.

To allow the Commission to consider fully all substantive issues regarding the application in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.⁵ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

For further information, please contact Tracey Wilson at (202) 418-1394 or Gregory Kwan at (202) 418-1191.

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⁵ See 47 CFR § 1.45(c).