



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

News Media Information 202 / 418-0500
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DA 20-1306
November 3, 2020

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF TELIA CARRIER U.S. INC. TO OURA BIDCO US, INC.

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-344

Comments Due: November 17, 2020
Reply Comments Due: November 24, 2020

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Telia Company AB (Telia Company), Telia Carrier U.S. Inc. (Telia Carrier), and Oura Bidco US, Inc. (BidCo US) (collectively, Applicants),¹ 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 Telia Carrier from Telia Company to BidCo US.²

Telia Carrier, a Delaware corporation, operates a nationwide fiber-optic communications network and provides long distance and other telecommunications services to wholesale and enterprise customers throughout the United States. Telia Carrier is a direct, wholly owned subsidiary of Telia Company, a Swedish multinational telecommunications company.

BidCo US, a Delaware corporation, was organized for the purposes of completing the proposed transaction and does not offer domestic telecommunications services in the United States. BidCo US, a Delaware corporation, is an indirect, wholly owned U.S. subsidiary of Polhem Infra KB, a Swedish limited partnership established for the purpose of asset management and investment for the benefit of the Swedish Parliament and the Swedish people.³ Polhem Infra KB is held by the following Swedish investment funds: Första AP-fonden/First Swedish National Pension Fund (AP1) (33.3%); Tredje AP-fonden/Third Swedish National Pension Fund (AP3) (33.33%); and

¹ Joint Application for Consent to Transfer Control of Domestic Authority Pursuant to Section 214 of the Communications Act of 1934, As Amended, WC Docket No. 20-344 (filed Oct. 15, 2020) (Application). Applicants filed a supplement to their Application on October 28, 2020. Letter from Nancy J. Victory, Counsel for Oura BidCo US, Inc., to Marlene H. Dortch, FCC, WC Docket No. 20-344 (filed Oct. 28, 2020) (Supplement Letter).

² See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed applications for the transfer of authorizations associated with international services and a submarine cable. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

³ Applicants provided additional ownership information in their Application. Application at 6-8.

Fjärde AP-fonden/Fourth National Swedish Pension Fund (AP4) (33.3%).⁴ Applicants state that no affiliate of BidCo US provides domestic telecommunications services.

Telia Company and Polhem Infra KB entered into the Master Share Purchase Agreement, pursuant to which Telia Company will sell its entire stake in Telia Carrier to Polhem Infra KB's wholly owned, indirect subsidiaries. As a result, BidCo Us will acquire 100% direct ownership and control of Telia Carrier, and Polhem Infra KB will acquire 100% indirect ownership and control of Telia Carrier. Applicants do not request streamlined processing and assert that a grant of the application would serve the public interest, convenience, and necessity.⁵

Referral to Executive Branch Agencies. Through this Public Notice, pursuant to Commission practice, this application for transfer of domestic section 214 authority and the associated international section 214 applications, ITC-T/C-20201015-00183, are being referred to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy or trade policy concerns related to the foreign ownership of the Applicants.⁶

Domestic Section 214 Application Filed for the Transfer of Control of
Telia Carrier U.S. Inc. to Oura BidCo US, Inc., WC Docket No. 20-344 (filed Oct. 15,
2020).

GENERAL INFORMATION

The application identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies.

Interested parties may file comments and petitions **on or November 17, 2020** and reply comments or oppositions to petitions **on or before November 24, 2020**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- **Electronic Filers:** Comments may be filed electronically by accessing ECFS at <http://apps.fcc.gov/ecfs/>.
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

⁴ The individuals collectively holding a controlling interest in the funds, all Swedish citizens and one dual U.S.-Swedish citizen, are listed in the Supplement. Supplement Letter at 1, 2.

⁵ 47 CFR § 63.03(b).

⁶ See *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market; Market Entry and Regulation of Foreign-Affiliated Entities*, IB Docket Nos. 97-142 and 95-22, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23918-19, paras. 61-63 (1997) (*Foreign Participation Order*), recon. denied, 15 FCC Rcd 18158 (2000).

- Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail.⁷ All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

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 and Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

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) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 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.

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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

⁷ In response to the COVID-19 pandemic, the FCC has closed its current hand-delivery filing location at FCC Headquarters. We encourage outside parties to take full advantage of the Commission’s electronic filing system. Any party that is unable to meet the filing deadline due to the building closure may request a waiver of the comment or reply comment deadline, to the extent permitted by law. *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, DA 20-304 (rel. Mar. 19, 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

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.⁸ 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 Dennis Johnson at (202) 418-0809.

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⁸ See 47 CFR § 1.45(c).