



PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

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

DA 20-1495

December 17, 2020

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF BALTIMORE-WASHINGTON TELEPHONE COMPANY FROM
NDS TECHNOLOGIES, LLC TO VOXOLOGY GROUP, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-415

Comments Due: December 31, 2020

Reply Comments Due: January 7, 2021

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by NDS Technologies, LLC (NDS) and Voxology Group, Inc. (VGI) (together, 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 Baltimore-Washington Telephone Company (BWT) from NDS to VGI.¹

NDS, a California limited liability and holding company, wholly owns BWT, a Maryland corporation that provides competitive local and long distance telecommunications services to residential and small businesses in Maryland, Nevada, New York, and Montana. NDS is currently owned by James Christiano (60%) and Patrick Etzel (40%), both U.S. citizens. VGI, a Delaware holding corporation, is owned by Mr. Christiano (49.8%) and Mr. Etzel (33.2%).²

Pursuant to the terms of the proposed transaction, VGI will acquire all of the stock of BWT from NDS. BWT will therefore become a direct wholly-owned subsidiary of VGI. 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)(i) of the Commission's rules.³

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. On December 16, 2020, Applicants filed a supplement 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 VGI wholly owns Voxology Carrier Services, Inc. and Shoutpoint, Inc., both nationwide providers of interconnected Voice over Internet Protocol (VoIP) services, as well as Voxology, Inc., a company that does not currently provide services to any customers but expects to soon provide interconnected VoIP services. Applicants further state that VGI, its affiliates, Mr. Christiano, and Mr. Etzel do not hold interests in any other provider of domestic telecommunications services.

³ 47 CFR § 63.03(b)(2)(i).

Domestic Section 214 Application Filed for the Transfer of Control of
Baltimore-Washington Telephone from NDS Technologies, LLC to Voxology Group, Inc.,
WC Docket No. 20-415 (filed Dec. 8, 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 December 31, 2020**, and reply comments **on or before January 7, 2021**. 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, gregory.kwan@fcc.gov; and
- 3) 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.⁴ 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 (202) 418-1191.

FCC

⁴ See 47 CFR § 1.45(c).