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 20-1517
December 21, 2020

NOTICE OF DOMESTIC SECTION 214 AUTHORIZATION GRANTED

WC Docket No. 20-371

The Wireline Competition Bureau (Bureau) grants the application listed in this Public Notice[1] pursuant to the Commission's streamlined procedures for domestic section 214 transfer of control applications, 47 CFR § 63.03. Under the terms of the proposed transaction, GI DI Rushmore TopCo LLC (GI DI) will acquire Clarity Telecom, LLC (Clarity), a competitive local exchange carrier (LEC) in Minnesota and an incumbent LEC serving portions of the following counties in South Dakota: Clay, Hutchinson, Lincoln, McCook, Minnehaha, Turner, Union, and Yankton.[2]

The Bureau has determined that a grant of the Application serves the public interest.[3] For purposes of computation of time when filing a petition for reconsideration or application for

[1] Consolidated Application for the Section 214 Transfer of Control of Clarity Telecom, LLC from Python Holdings, L.P. to GI DI Rushmore TopCo LLC, WC Docket No. 20-371 (filed Nov. 9, 2020) (Application). Applicants also filed applications for the transfer of authorizations associated with international and wireless authorizations. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

[2] Application at 4; Letter from Henry Shi, Counsel for GI DI, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 20-371 (filed Nov. 19, 2020).

[3] *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations,* CC Docket No. 01-150, Report and Order, 17 FCC Rcd 5517, 5529, para. 22 (2002) (*Streamlining Order*). Only one commenter, the South Dakota Public Utilities Commission (SDPUC), filed a brief comment in this proceeding stating that it is "interested in the outcome of the application because of our interest in high speed broadband buildout in this area." GI DI Comments, WC Docket No. 20-371, at 1 (filed Nov. 24, 2020). The SDPUC reports that Clarity has been steadily improving facilities within its exchanges and that "if this transfer is approved, we expect the new owners to continue or accelerate this pace of broadband development." *Id*. GI DI filed a reply comment stating that it welcomes "the opportunity to build on Clarity's achievements, including its market-leading 1 Gbps high-speed Internet access service to better serve the residents and businesses of South Dakota and Minnesota." GI DI Reply Comments, WC Docket No. 20-371, at 2 (filed Dec. 11, 2020). We note that Clarity elected to receive Alternative Connect America Cost Model I (A-CAM) support and must deploy broadband to a total of 1,615 locations by the end of 2028, with at least 1,049 locations receiving speeds of at least 25/3 Mbps and another 556 locations receiving speeds of at least 10/1 Mbps. *See* Universal Service Administrative Co., Tools, "ACAM, ACAM II and CAF-BLS Buildout Requirements," https://www.usac.org/high-cost/resources/tools/; *Connect America Fund et al.*, Report and Order, Order and Order on Reconsideration and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087, 3090, para. 4, 3096-3117, paras. 20-79 (2016) (adopting a voluntary path by which rate-of-return carriers could elect to receive a fixed amount of universal service support under the A-CAM, a forward-looking

review, or for judicial review of the Commission's decision, the date of "public notice" shall be the release date of this Public Notice.[4] Should no petition for reconsideration, application for review, or petition for judicial review be timely filed, the proceeding listed in this Public Notice shall be terminated, and the docket will be closed.

Domestic Section 214 Application Filed for the Transfer of Control of
Clarity Telecom, LLC to GI DI Rushmore Topco LLC, WC Docket No. 20-371,
Public Notice, DA 20-1380 (WCB 2020).

Effective Grant Date: December 21, 2020

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

-FCC-

broadband cost model, for 10 years, in exchange for deploying broadband-capable networks to eligible locations). Clarity's first interim buildout obligation requires it to deploy broadband of at least 10/1 Mbps to 551 locations by the end of 2020. As of December 5, 2020, Clarity has certified that it has deployed 1,309 locations with speeds of at least 25/3 Mbps and an additional 96 locations with speeds of at least 10/1 Mbps. Thus, Clarity is currently exceeding its minimum broadband buildout obligations, and we expect it to continue to meet its obligations post-transaction, subject to all applicable Commission requirements.

[4] *Id.*; *see* 47 CFR § 1.4 (Computation of time).