



PUBLIC NOTICE

Federal Communications Commission
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August 4, 2020

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF ETS TELEPHONE COMPANY, INC. AND ETS CABLEVISION, INC.
TO RADIATE HOLDINGS, L.P.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-76

Comments Due: August 18, 2020
Reply Comments Due: August 25, 2020

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by ACME Communications, Inc. (ACME), ETS Telephone Company, Inc. (ETS Telephone), ETS Cablevision, Inc. (ETS Cablevision and, together with ETS Telephone, the ETS Licensees), and Radiate Holdings, L.P. (Radiate) (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 approval to transfer control of the ETS Licensees from ACME to Radiate.¹

ETS Telephone provides competitive local exchange and long distance telephone services, and ETS Cablevision, a wholly owned subsidiary of ETS Telephone, provides cable and other services, both serving Houston, Texas. Applicants state that the ETS Licenses, both Delaware corporations, currently own an estimated 1,400 mile fiber network and serve over 22,000 customers in Houston, Texas. ACME, a Texas corporation and holding company, holds all of the direct interests in En-Touch Systems, Inc. (En-Touch), a Delaware holding corporation and parent of the ETS Licensees.²

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Application of ACME Communications, Inc., ETS Telephone Company, Inc., ETS Cablevision, Inc., and Radiate Holdings, L.P. for Consent to a Change of Control of Companies Holding Domestic Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended, WC Docket No. 20-76 (filed Mar. 9, 2020). Applicants also filed an application for the transfer of authorizations associated with international services. On June 2, 2020, Applicants filed a supplement to their domestic section 214 application. Letter from Robert E. Stup, Jr., Counsel for ACME and ETS Licensees, and Edward A Yorkgitis and Winifred Brantl, Counsel for Radiate, to Marlene Dortch, Secretary, FCC, WC Docket No. 20-76, at 3-4 (filed June 2, 2020) (Supplement). Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Both ETS Telephone and ETS Cablevision market their services under the d/b/a En-Touch Systems.

Radiate, a Delaware limited partnership and holding company, is majority owned and controlled by certain investment funds ultimately controlled by the principals of TPG Global, LLC (TPG Global and, together with affiliated TPG companies, TPG). The principals of TPG Global are David Bonderman and James G. Coulter, both U.S. citizens. TPG also controls RCN Telecom Services, LLC (RCN), Grande Communications Network, LLC (Grande), and Wave Division Holdings, LLC (Wave), which collectively serve over 990,000 customers and provide cable and competitive telecommunications services in areas of Massachusetts, Illinois, Pennsylvania, New York, and Washington, DC (RCN), Texas (Grande), and Washington, Oregon, and California (Wave). Applicants state that Radiate will be managed, operated, and controlled by Radiate Holdings GP, LLC (Radiate GP), and that the Board of Directors of Radiate GP is controlled by TPG. All of the entities in the Radiate ownership chain are U.S.-based.

Pursuant to the terms of the proposed transaction, Radiate Acquisition, Inc. (RAQ), a Delaware corporation and wholly owned subsidiary of Radiate, will acquire all the stock interests in En-Touch. As a result, En-Touch will become a wholly owned subsidiary of RAQ and an indirect wholly owned subsidiary of Radiate. Applicants state that, following the consummation of this transaction, there will be no overlap or adjacency between the ETS Licenses and Grande in Texas.³ Applicants assert that the proposed transaction is entitled to streamlined treatment under the Commission's rules and 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.⁴

Domestic Section 214 Application Filed for the Transfer of Control of
ETS Telephone Company, Inc. and ETS Cablevision, Inc. to Radiate Holdings, L.P.,
WC Docket No. 20-76 (filed Mar. 9, 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 August 18, 2020**, and reply comments **on or before August 25, 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.

³ Applicants state that "Grande has not significantly entered the Houston market, including the areas west-southwest of Houston in which the ETS operations and network are located; however, Grande does have a limited number of deployed facilities near Sugarland and Richmond for provision of phone and low-speed DSL services. These last deployments are in the proximity of a small number of points on ETS fiber network. These Grande deployments do not directly overlap with the ETS network and are not adjacent to, *i.e.*, contiguous with, specific locations served by ETS." Supplement at 3-4.

⁴ 47 CFR § 63.03(b)(2)(i).

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;
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@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 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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