



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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

DA 20-954
August 26, 2020

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF
CERTAIN ASSETS OF CRYSTAL AUTOMATION SYSTEMS, INC. D/B/A CASAIR
BY POINT BROADBAND FIBER HOLDING, LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-261

Comments Due: September 9, 2020
Reply Comments Due: September 16, 2020

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Crystal Automation Systems, Inc. d/b/a Casair (Casair) and Point Broadband Fiber Holding, LLC (PBFH) (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 certain assets of Casair to PBFH.¹

Casair, a Michigan corporation owned by Steven Meinhardt, is certified as a competitive local exchange carrier (LEC) and Eligible Telecommunications Carrier (ETC) in Michigan.² PBFH, a Delaware limited liability company, is also certified as a competitive LEC and ETC in Michigan. PBFH is owned 100% by Point Broadband, LLC (Point), a Georgia limited liability company. Point, in turn, is owned 22% by ITC Capital Partners, LLC (ITC), a Delaware limited liability company, and 26.2% by Stephens Broadband, LLC (Stephens Broadband), an Arkansas limited liability company. Applicants state that ITC is owned by 76 members, none of whom have more

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed applications for the transfer of authorizations associated with wireless services. On August 25, 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 Casair provides fixed broadband service and other services in parts of 14 counties in central Michigan (Clare, Clinton, Ionia, Kent, Lake, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Osceola, and Wexford counties) and plans to surrender its ETC certification following the closing of the proposed transaction.

than a 5.1% interest in PBFH, and Stephens Broadband is owned by 125 individual members, none of whom hold more than a 5.352% interest in PBFH.³

Pursuant to the terms of the proposed transaction, PBFH will acquire certain assets from Casair, including fiber infrastructure and customer service agreements, to provide broadband service in west central Michigan. Applicants state that PBFH plans to offer competitive LEC services following the closing of the transaction.

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.⁴

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Crystal Automation Systems, Inc. d/b/a Casair by Point Broadband Fiber Holding, LLC, WC Docket No. 20-261 (filed Aug. 11, 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 September 9, 2020**, and reply comments **on or before September 16, 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:

- 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;
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

³ PBFH provides broadband and other services in Alabama, Georgia, Louisiana, Mississippi, Tennessee, and Virginia. It wholly owns Sunset Digital Communications, LLC, which provides competitive service in Tennessee and Virginia.

⁴ 47 CFR § 63.03(b)(2)(i).

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.

-FCC-

⁵ See 47 CFR § 1.45(c).