



# PUBLIC NOTICE

Federal Communications Commission  
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## DOMESTIC 214 APPLICATION GRANTED FOR TRANSFER OF CERTAIN AUTHORIZATIONS OF AMG TECHNOLOGY INVESTMENT GROUP DBA NEXTLINK INTERNET AND PLAINS INTERNET, LLC

### WC Docket No. 21-266

By this Public Notice, the Wireline Competition Bureau (Bureau) grants an application filed by AMG Technology Investment Group, LLC dba Nextlink Internet (Nextlink) and Plains Internet, LLC (Plains) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended (Act), and sections 63.03-04 of the Commission's rules, requesting approval for the transfer of domestic section 214 authorizations between the Applicants.<sup>1</sup>

On July 14, 2021, the Bureau released a public notice seeking comment on the Application.<sup>2</sup> The Bureau did not receive comments or petitions in opposition to the Application.

### Applicants and Description of Transaction

Nextlink, a Texas limited liability company, is an eligible telecommunications carrier (ETC) in Texas.<sup>3</sup> It also offers broadband and voice service to residential and business customers in rural communities in Illinois, Iowa, Kansas, Nebraska, Oklahoma, and Texas.<sup>4</sup> The applicants state that Como Wireless LLC, a Texas limited liability company, owns 85.42% of AMG Technology Investment Group, LLC; Como Investments LLC, a Texas limited liability company, owns 93.95% of Como Wireless LLC;

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<sup>1</sup> See 47 U.S.C. § 214; 47 C.F.R. § 63.03-04; Joint Application for Consent to Assignment of AMG Technology Investment Group, LLC dba Nextlink Internet and Plains Internet, LLC, for Consent to Assignment under Domestic Section 214 Authorizations, WC Docket No. 21-266 (filed June 17, 2021) (Application). On July 12, 2021, Applicants filed a supplement to their domestic section 214 application. Letter from Stephen E. Coran, Counsel for Applicants, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 21-266 (filed July 12, 2021) (Supplement). Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

<sup>2</sup> *Domestic Section 214 Application Filed for the Transfer of Certain Authorizations of AMG Technology Investment Group dba Nextlink Internet and Plains Internet, LLC*, WC Docket No. 21-266, Public Notice, DA 21-833 (WCB 2021).

<sup>3</sup> Application at 3-4 and Exh. 3 (*Joint Application of Plains Internet, LLC and AMG Technology Investment Group, LLC dba Nextlink Internet to Revise Eligible Telecommunications Carrier Service Areas*, Docket No. 50807, Order, at 8 (Pub. Util. Comm'n. of Texas, May 6, 2021) (approving each Applicant's relinquishment of census blocks and the other Applicant's designation as an ETC in each such census block involved in the proposed transaction) (*Texas ETC Order*)).

<sup>4</sup> Application at 3, 11.

William Baker, a U.S. citizen, owns 100% of Como Investments LLC; and no other entity or individual holds a 10% or greater interest in Nextlink.<sup>5</sup>

Plains, a Texas limited liability company, is an ETC in Texas.<sup>6</sup> It also offers broadband and voice service to rural communities in Texas and New Mexico and in several other states.<sup>7</sup> Applicants state that Plains is 100% owned by Joseph Monroe, a U.S. citizen, and no other entity or individual holds a 10% or greater interest in Plains.<sup>8</sup>

Pursuant to the terms of the proposed transaction, the Applicants have agreed to exchange their respective obligations as Connect America Fund (CAF) recipients in certain census blocks in Texas.<sup>9</sup> Applicants specifically seek approval for the “reciprocal assumption of obligations associated with CAF Phase II census blocks in Texas, as follows: (1) Plains to assume certain Nextlink obligations in the Texas panhandle, and (2) Nextlink to assume certain Plains obligations in Llano County, Texas.”<sup>10</sup> Neither Applicant has commenced construction or deployed service in the census blocks it has agreed to exchange.<sup>11</sup>

Applicants assert that a grant of the Application would serve the public interest, convenience, and necessity. They state that the proposed transaction would be transparent to customers and that “no carrier change charges will result from the transaction, and no customer service or billing contact information will change as a result of the transaction.”<sup>12</sup> Applicants maintain that each has the “necessary managerial and operational expertise to meet the buildout and performance obligations it will be assuming upon consummation of the exchange pursuant to the Application.”<sup>13</sup> They further assert that “[t]he transaction will benefit future customers by enabling each Applicant to deploy CAF facilities in a more efficient

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<sup>5</sup> *Id.* at 10.

<sup>6</sup> Application at 4-5. See *Texas ETC Order* at 8. Plains also participated in and won the rights to provide service in Kansas, Texas, and Wyoming through the Rural Digital Opportunity Fund (RDOF) Auction. See *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced*, AU Docket No. 20-34, WC Docket No. 19-126, WC Docket No. 10-90, Public Notice, 20 FCC Rcd 13888, 13922, Attach. A (Winning Bidder Summary) (WCB/OEA 2020). In July 2021, the Bureau, the Rural Broadband Auctions Task Force, and the Office of Economics and Analytics announced they were prepared to authorize Plains for RDOF support in these three states subject to the submission of the required letters of credit and Bankruptcy Code opinion letter(s). *Rural Digital Opportunity Fund Auction Support for 1,460 Winning Bids Ready to be Authorized*, AU Docket No. 20-34 et al., Public Notice, DA 21-909, Attach. A (Ready to Authorize Long-Form Applicants and Winning Bids) (WCB/OEA 2021). RDOF support will be authorized by future public notice for the specific winning bids for which all requirements have been met.

<sup>7</sup> Application at 3, 11.

<sup>8</sup> *Id.* at 10. Applicants state that neither Nextlink nor Plains hold a 10% or greater interest in any other telecommunications provider. Supplement at 1.

<sup>9</sup> See Application at Exh. 1 (listing census blocks being assigned from Plains to Nextlink), Exh. 2 (listing census blocks being assigned from Nextlink to Plains).

<sup>10</sup> *Id.* at 1. See *Connect America Fund Phase II Auction Support Authorized for 2,413 Winning Bids*, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, 34 FCC Rcd 5966, 5974-6026, Attach. A (Authorized Long Form Applicants and Winning Bids) (WCB 2019) (authorizing CAF support for Nextlink); *Connect America Fund Phase II Auction Support Authorized for 593 Winning Bids*, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, 34 FCC Rcd 7081, 7111-115, Attach. A (Authorized Long Form Applicants and Winning Bids) (WCB 2019) (authorizing CAF support for Plains).

<sup>11</sup> Application at 1-2.

<sup>12</sup> *Id.* at 4.

<sup>13</sup> Supplement at 1. See Application at 4-5.

manner because the obligations each seeks to assume are for census blocks in closer proximity to its existing network and other CAF-supported census blocks.”<sup>14</sup>

## **Discussion**

We find, upon consideration of the record, that grant of the Application will serve the public interest, convenience, and necessity.<sup>15</sup> As Applicants explain, neither Applicant has commenced construction or deployed service in the census blocks it has agreed to exchange,<sup>16</sup> but each has been authorized by the Commission to receive CAF support and has attested that it has the necessary managerial and operational expertise to meet the buildout and performance obligations it will be assuming.<sup>17</sup> There are no adverse competitive harms resulting from the proposed transaction, and no commenter has raised claims of other potential harms. As proposed, Applicants state that the transaction will be transparent to customers, and therefore, we expect no additional customer expense or inconvenience to result from the transaction.<sup>18</sup>

In addition, we expect the proposed transaction may benefit the public interest, particularly by conserving public resources by enabling each Applicant to deploy CAF facilities more efficiently.<sup>19</sup> Specifically, Applicants explain that this transaction is structured such that the obligations each seeks to assume are for census blocks in closer proximity to its existing network and other CAF-supported census blocks, allowing each to more efficiently build out its network to satisfy CAF obligations.<sup>20</sup> Applicants acknowledge that they will meet all relevant CAF support obligations, including the requirement to obtain revised letters of credit reflecting the adjusted support amounts resulting from the transaction.<sup>21</sup> Applicants are responsible for ensuring that they remain financially and technically capable to fulfill the obligations required as a condition of receiving such support.

Therefore, pursuant to section 214 of the Act, 47 U.S.C. § 214, and sections 0.91, 0.291, 63.03, and 63.04 of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, 63.03, and 63.04, the Bureau hereby grants the Application discussed in this Public Notice.

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<sup>14</sup> Supplement at 1. See Application at 5-6.

<sup>15</sup> 47 U.S.C. § 214(a); 47 C.F.R. § 63.03. See *Telecommunications Carriers Eligible for Universal Service Support*, WC Docket No. 09-197, *Connect America Fund*, WC Docket No. 10-90, Order, DA 21-663, para. 30 (WCB 2021) (“ETCs seeking to transfer control of their domestic authorizations to operate pursuant to section 214 of the Act or to engage in the sale of assets under section 214 (including any authorization to receive RDOF support) must first receive approval from the Commission in accordance with sections 63.03 and 63.04 of the Commission’s rules governing the procedures for domestic transfer of control/asset applications.”).

<sup>16</sup> Application at 1-2.

<sup>17</sup> Supplement at 1.

<sup>18</sup> *Id.* at 4.

<sup>19</sup> In adopting the CAF framework, the Commission sought to transition high cost providers to incentive-based support mechanisms and require support recipients to comply with defined broadband deployment obligations and performance standards, thereby furthering the efficient use of the universal service fund as a public resource. See *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform—Mobility Fund*, WC Docket No. 10-90, et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC 17663, 17680, 17727-28, paras. 48, 165 (2011), *aff’d*, 753 F.3d 1015 (10th Cir. 2014).

<sup>20</sup> Supplement at 1. See Application at 5-6.

<sup>21</sup> Supplement at 1.

Pursuant to section 1.103 of the Commission's rules, 47 C.F.R. § 1.103, the grant is effective upon release of this Public Notice.<sup>22</sup> Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Christi Shewman, Wireline Competition Bureau, Competition Policy Division, (202) 418-0646.

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<sup>22</sup> We direct Applicants to submit, within 30 days of closing the proposed transaction, a notice in WC Docket No. 21-266 that the proposed transaction has closed with the consummation date, and also provide a courtesy copy of the notice to [hcinfo@usac.org](mailto:hcinfo@usac.org).