



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>

DA 21-1154
September 15, 2021

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE
ACQUISITION OF ASSETS OF CALL ONE, INC.
BY PEERLESS NETWORK, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 21-354

Comments Due: September 29, 2021
Reply Comment Due: October 6, 2021

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Call One Inc. (Call One) and Peerless Network, Inc. (Peerless) (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 for the transfer of assets and customers from Call One to Peerless.¹

Call One, an Illinois corporation, is a competitive local exchange carrier (LEC) in 11 states (California, Florida, Illinois, Indiana, Kansas, Michigan, Missouri, Ohio, Texas, Washington, and Wisconsin) and provides telecommunications services to business customers. Call One does not provide service to residential customers.

Peerless, a Delaware corporation, together with its subsidiaries, operates as a competitive LEC in 49 states (every state except Alaska) and the District of Columbia and provides originating and terminating calling services and other services to telecommunications companies and business customers. Peerless does not provide service to residential customers. The following U.S. citizens hold a 10% or greater interest in Peerless: John Barnicle (15.749% direct interest), Timothy R.M. Bryant, Jeffrey T. Diehl, and Quintin I. Kevin (each holding approximately a 14.79% indirect interest through Adams Street Partners, LLC, a U.S. limited liability company, which is indirectly controlled by Adams Street Associates, LLC, a U.S. limited liability company).²

Pursuant to the terms the proposed transaction, Call One and Peerless Network Holdings, Inc. (Peerless Holdings), the parent of Peerless, executed an agreement for Peerless Holdings to

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants filed a supplement to their application on September 10, 2021. Applicants also filed an application for the transfer of authorization associated with international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Applicants provided a complete description of Peerless' ownership in the Application.

purchase the assets of Call One, including its customers. As a result, Peerless will acquire the operating assets and customers of Call One.

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 the application for filing under section 63.03(b)(2)(i) of the Commission's rules.³

Domestic Section 214 Application Filed for the Acquisition of Assets
of Call One Inc. by Peerless Network, Inc., WC Docket No. 21-354 (filed Sept. 7, 2021).

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 29, 2021**, and reply comments **on or before October 6, 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) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) David Krech, Telecommunications and Analysis Division, International Bureau, david.krech@fcc.gov; and
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

People with Disabilities: We ask that requests for accommodations be made as soon as possible in order to allow the agency to satisfy such requests whenever possible. Send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

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

³ 47 CFR § 63.03(b)(2)(i).

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 Dennis Johnson at (202) 418-0809.

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⁴ See 47 CFR § 1.45(c).