



# 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 21-833  
July 14, 2021

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CERTAIN  
AUTHORIZATIONS OF AMG TECHNOLOGY INVESTMENT GROUP  
DBA NEXTLINK INTERNET AND PLAINS INTERNET, LLC**

**NON-STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 21-266**

**Comments Due: July 28, 2021**

**Reply Comment Due: August 4, 2021**

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by AMG Technology Investment Group, LLC dba Nextlink Internet (Nextlink) and Plains Internet, LLC (Plains) (collectively, Applicants),<sup>1</sup> pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules, requesting approval for the transfer of domestic section 214 authorizations between the Applicants.<sup>2</sup> Applicants specifically seek approval for the "reciprocal assumption of obligations associated with Connect America Fund (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>3</sup>

<sup>1</sup> 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), <https://ecfsapi.fcc.gov/file/106170700402137/Nextlink%20Plains%20Assignment%20Application.pdf> (Application). On July 12, 2021, Applicants filed a supplement to their domestic section 214 application. Letter from Stephen E. Coran, Counsel to Applicants, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 21-266 (filed July 12, 2021) (Supplement). Any action on the section 214 application is without prejudice to Commission action on other related, pending applications.

<sup>2</sup> See 47 U.S.C. § 214; 47 CFR §§ 63.03-04.

<sup>3</sup> Application 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).

Nextlink, a Texas limited liability company, is an eligible telecommunications carrier (ETC) in Texas.<sup>4</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>5</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; 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>6</sup>

Plains, a Texas limited liability company, is an ETC in Texas.<sup>7</sup> It also offers broadband and voice service to rural communities in Texas and New Mexico and in several other states.<sup>8</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>9</sup>

Pursuant to the terms of the proposed transaction, the Applicants have agreed to exchange their respective obligations as CAF recipients in certain census blocks in 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

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<sup>4</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>5</sup> Application at 3, 11.

<sup>6</sup> *Id.* at 10.

<sup>7</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).

<sup>8</sup> Application at 3, 11.

<sup>9</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>10</sup> *See id.* at Exh. 1 (listing census blocks being assigned from Plains to Nextlink), Exh. 2 (listing census blocks being assigned from Nextlink to Plains). *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>11</sup> Application at 1-2.

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

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 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>

Because the proposed transaction involves the exchange and assumption of CAF Universal Service Fund high-cost mechanism obligations, in order to sufficiently analyze whether the proposed transaction would serve the public interest, we accept the Application for non-streamlined processing.<sup>15</sup>

## **GENERAL INFORMATION**

The application identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission’s rules and policies.

Interested parties may file comments **on or before July 28, 2021**, and reply comments **on or before August 4, 2021**. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by paper.

- Electronic Filers: Comments may be filed electronically by accessing ECFS at <http://apps.fcc.gov/ecfs/>.
- *Paper Filers*: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
  - Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail.<sup>16</sup> All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

**In addition, e-mail one copy of each pleading to each of the following:**

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

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

<sup>15</sup> 47 CFR § 63.03(c)(1)(v).

<sup>16</sup> Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (OS 2020) <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

- 1) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, [myrva.charles@fcc.gov](mailto:myrva.charles@fcc.gov);
- 2) Christi Shewman, Competition Policy Division, Wireline Competition Bureau, [christi.shewman@fcc.gov](mailto:christi.shewman@fcc.gov); and
- 3) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto: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](mailto: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 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.<sup>17</sup> 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 Myrva Charles at (202) 418-1506 or Christi Shewman at (202) 418-0646.

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<sup>17</sup> See 47 CFR § 1.45(c).