



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>
TTY: 1-888-835-5322

DA 22-1251
December 2, 2022

DOMESTIC 214 APPLICATION GRANTED FOR THE TRANSFER OF CONTROL OF SPECTROTEL, INC. TO SPECTROTEL ULTIMATE HOLDINGS, LLC

WC Docket No. 22-355

By this Public Notice, the Wireline Competition Bureau (Bureau) grants an application filed by Spectrotel, Inc. (Spectrotel) and Spectrotel Ultimate Holdings, LLC (Spectrotel Ultimate) (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 for the transfer of control of Spectrotel to Spectrotel Ultimate.¹

On October 19, 2022, the Bureau released a public notice seeking comment on the Application.² No party filed comments in opposition to a grant of the Application, and the Bureau finds, upon consideration of the record, that granting the Application will serve the public interest, convenience, and necessity.³

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Application of Spectrotel, Inc. and Spectrotel Ultimate Holdings, LLC, WC Docket No. 22-355 (filed Oct. 7, 2022) (Application). Applicants filed a supplement to their Application on October 13, 2022. Letter from Matthew S. DelNero and Corey Walker, Counsel for Spectrotel Ultimate Holdings, LLC, and Matthew A. Brill and Michael H. Herman, Counsel for Spectrotel, Inc. to Marlene H. Dortch, Secretary, FCC, WC Docket No. 22-355 (filed Oct. 13, 2022) (Oct. 13 Supplement). Applicants also filed an application for the transfer of authorizations associated with international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² *Domestic Section 214 Application Filed for the Transfer of Control of Spectrotel, Inc. to Spectrotel Ultimate Holdings*, WC Docket No. 22-355, Public Notice, DA 22-1104 (WCB 2022).

³ According to Applicants, Spectrotel operates as a competitive local exchange carrier (LEC) in the District of Columbia and every state, except Alaska and Hawaii. Oct. 13 Supplement at 1. Grain Management manages funds that control telecommunications carriers operating in multiple states, including Great Plains Communications LLC, which is an incumbent LEC in areas of Nebraska, Colorado, Kansas, and South Dakota; Sunman Telecommunications, LLC, which is an incumbent LEC in Indiana; E. Ritter Telephone Company, LLC and Tri-County Telephone Company, LLC, which are incumbent LECs in Arkansas; Millington Telephone Company, LLC, which is an incumbent LEC in Tennessee; and multiple other carriers offering competitive LEC and long distance services in several states. *Id.* Applicants state that Spectrotel provides resold telecommunications services in the areas served by the incumbent LECs managed by Grain Management. *Id.* The Commission has not found significant competitive harm in certain transactions involving the combination of providers. See, e.g., *Applications of Level 3 Communications, Inc. and CenturyLink, Inc. for Consent to Transfer Control of Licenses and Authorizations*, Memorandum Opinion and Order, 32 FCC Rcd 9581, 9594, 9605, paras. 26 and 52 (2017) (finding no harm to competition in CenturyLink's incumbent LEC territory, nor outside of CenturyLink's incumbent LEC territory, where

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. 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.

Domestic Section 214 Application Filed for the Transfer of Control of Spectrotel, Inc. to Spectrotel Ultimate Holdings, LLC, WC Docket Nos. 22-355, Public Notice, DA 22-1104 (WCB 2022).

For further information, please contact Myrva Charles at (202) 418-1506 or Dennis Johnson at (202) 418-0809, Competition Policy Division, Wireline Competition Bureau.

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applicants operate as competitive LECs, and further finding that the transaction “will expand the on-net reach of the newly combined firm resulting in a more effective and stronger competitor against larger cable and incumbent LEC competitors, among others, particularly outside of Century Link's incumbent LEC region, where it, like Level 3, operates as a competitive LEC.”); *Joint Applications of Telephone and Data Systems, Inc. and Chorus Communications, Ltd. For Authority to Transfer Control of Commission Licenses and Authorizations Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 22, 63 and 90 of the Commission's Rules*, Memorandum Opinion and Order, 16 FCC Rcd 15293, 15296-99, para. 9-10 (CCB/WTB 2001) (authorizing a transfer of control involving an incumbent LEC and a competitive in-region provider of local exchange and exchange access services where overlap was limited and the transaction overall resulted in public interest benefits).