



PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

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DA 22-1344

Released: December 19, 2022

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
CERTAIN AUTHORIZATIONS OF POINT BROADBAND FIBER HOLDING, LLC
TO R.M. GREENE, INC. AKA BEAM**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 22-344

Comments Due: January 3, 2023

Reply Comment Due: January 10, 2023

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application filed by Point Broadband Fiber Holding, LLC (Point Broadband), and R.M. Greene, Inc. aka Beam (Beam) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Federal Communications Commission's (Commission) rules,¹ requesting consent for the partial transfer of Point Broadband's domestic section 214 authorization, in conjunction with Point Broadband's Rural Digital Opportunity Fund (RDOF) support obligations for certain of its designated census blocks in Alabama, in a single Study Area Code (259050) (Assigned Census Blocks).²

Point Broadband, a Delaware limited liability company, is indirectly owned by GTCR Fund XIII/B LP (68.4%) and GTCR Fund XIII/C LP (27.8%), both Delaware entities that are ultimately controlled by Mark M. Anderson, Craig A. Bondy, Aaron D. Cohen, Sean L. Cunningham, Benjamin J. Daverman, David A. Donnini, Dean S. Mihas, and Collin E. Roche., who are all U.S. citizens.³ Point Broadband itself and through its wholly owned subsidiaries offers telecommunications services pursuant to section 214 authorizations in Tennessee and Virginia.⁴ The companies also provide voice over Internet

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04; Application of Point Broadband Fiber Holding, LLC and R.M. Greene, Inc. aka Beam for Partial Assignment of Domestic Section 214 Authorization, WC Docket No. 22-344 (filed Sept. 21, 2022) (Application). Applicants filed supplements to the Application on December 6, 2022 and December 13, 2022. Letter from K.C. Halm, Counsel for R.M. Greene, Inc. aka Beam, and Stephen Coran, Counsel for Point Broadband Fiber Holding, LLC, to Marlene H. Dortch, Secretary, FCC (filed Dec. 6, 2022) (First Supplement); Letter from Stephen Coran, Counsel for Point Broadband Fiber Holding, LLC, to Marlene H. Dortch, Secretary, FCC (filed Dec. 13, 2022) (Second Supplement). Any action on this domestic section 214 application is without prejudice to Commission action on other pending applications.

² See Application at Exh. 1 (List of Assigned Census Blocks). Applicants state that there are 21 eligible census blocks comprising 3,420 locations in Alabama that make up the Assigned Census Blocks. *Id.*

³ Application at 12-13; Second Supplement at 1.

Protocol (VoIP) service in Alabama, Georgia, Maryland, Michigan, Ohio, and New York.⁵ They offer symmetrical gigabit broadband services to over 60,000 total subscribers.⁶ Point Broadband does not provide local exchange service in the Assigned Census Blocks.⁷ Point Broadband is an Eligible Telecommunications Carrier (ETC) for its RDOF census blocks in Alabama.⁸ On September 15, 2021, the Bureau authorized Point Broadband to receive \$51,040,733.50 in RDOF support for an estimated 21,818 locations in Alabama.⁹

Beam, an Alabama corporation, is owned (49.8%) by Lynne G. Frakes, a U.S. Citizen, and Janie M. Greene Trust (Trust) (49.8%).¹⁰ The sole trustee of the Trust is Lynne G. Frakes.¹¹ No other individual or entity holds 10% or more of Beam.¹² Beam provides cable, broadband, and VoIP services using a mix of fiber and coaxial cable.¹³ Its plant covers approximately 1,500 miles, about 400 miles of which are fiber, serving five different franchise areas in Alabama, including Phenix City, Smiths Station, Hartsboro, Russell County, and Lee County.¹⁴ Combined, these areas total approximately 55,000 homes passed.¹⁵ Beam is not currently a recipient of either Connect America Fund or RDOF support, and does not receive any other high-cost support from the Universal Service Fund.¹⁶ On September 21, 2022, Beam filed a petition for designation as an ETC for the Assigned Census Blocks with the Commission.¹⁷

⁴ *Id.* at 3.

⁵ *Id.*

⁶ *Id.* at 3-4.

⁷ *Id.* at 4.

⁸ Application at 4; *Telecommunications Carrier Eligible for Universal Service Support*, WC Docket Nos. 09-197, 10-90, Order, 36 FCC Rcd 9384 (WCB 2021) (designating Point Broadband as an ETC).

⁹ Application at 4. *See Rural Digital Opportunity Fund Support Authorized for 466 Winning Bids*, AU Docket No. 20-34, WC Docket Nos. 19-126 & 10-90, Public Notice, 36 FCC Rcd 13574, 13581 and Attach. A (WCB Sept. 15, 2021) (*Authorization PN*) (“ETCs seeking to transfer control of their domestic authorizations to operate pursuant to section 214 of the Communications Act of 1934, as amended, or to engage in the sale of assets under section 214 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. Transfers of control and assignments of international section 214 authorizations are separately subject to section 63.24 of the Commission’s rules. Except where the Commission has forborne from the application of section 214, this requirement applies to all transfers of control or asset acquisitions involving ETCs.”). The *Authorization PN* also authorized Point Broadband to receive RDOF support for designated areas in Georgia, Michigan, New York, and Virginia. *Id.* at Attach. A.

¹⁰ Application at 13-14.

¹¹ *Id.* at 14.

¹² *Id.*

¹³ *Id.* at 4

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Application at 5.

¹⁷ R.M. Greene, Inc. Petition for Designation as an Eligible Telecommunications Carrier, WC Docket No. 09-197 (filed Sept. 21, 2022); *Wireline Competition Bureau Seeks Comment on R.M. Greene, Inc. aka Beam’s Rural Digital*

Pursuant to the terms of the proposed transaction, subject to grant of the Application and designation of Beam as an ETC, Beam would acquire the interests of and assume Point Broadband's RDOF obligations in the Assigned Census Blocks.¹⁸ For the Assigned Census Blocks, if approved, Beam would receive \$892,797.21 in annual RDOF support for 3,420 locations.¹⁹ Applicants state that after consummation of the transaction, Beam will undertake deployment of the RDOF-supported network and integrate such activities and operations into its own ongoing operations in Eastern Alabama.²⁰

Applicants assert that a grant of the Application would serve the public interest, convenience, and necessity.²¹ They state that Beam “has longstanding experience and expertise deploying broadband networks in the areas covered by the Assigned Census Blocks and is therefore uniquely situated to efficiently deploy RDOF-supported voice and broadband service in the Assigned Census Blocks.”²² Applicants contend that “[b]ecause Point Broadband’s RDOF areas are adjacent to or nearby Beam’s existing operations, Beam can achieve economies of scale and leverage its labor force, infrastructure, and operational capabilities to rapidly and cost-effectively build out the Assigned Census Blocks as it expands its broadband operations.”²³ They state that “the transaction will not result in any adverse alteration to the buildout plans Point Broadband submitted to the Commission for the Assigned Census Blocks as part of its long-form application,” and consumers will likely receive RDOF services more quickly.²⁴ For these reasons, Applicants argue that “[t]he transaction ... will serve the public interest because it will not result in any harms to either company’s existing customers and will accelerate Beam’s ongoing efforts to expand broadband service to unserved and underserved rural areas of Eastern Alabama.”²⁵ Finally, Applicants represent that “Beam has both the necessary managerial and technical experience and requisite financial means to assume the responsibility of deploying RDOF-supported voice and broadband service in the Assigned Census Blocks it proposes to assume from Point Broadband.”²⁶

Because the proposed transaction would involve the exchange and assumption of 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.²⁷

Domestic Section 214 Application Filed for the Transfer of Control of Certain Authorizations of Point Broadband Fiber Holding, LLC To R.M. Greene, Inc. AKA Beam
WC Docket No. 22-344 (filed Sept. 21, 2022).

Opportunity Fund Petition for Designation as an Eligible Telecommunications Carrier, WC Docket No. 09-197, Public Notice, DA 22-1110 (rel. Oct. 20, 2022); *see also* First Supplement.

¹⁸ Application at 5-6.

¹⁹ *Id.* at 5.

²⁰ *Id.* at 6.

²¹ *Id.* at 7.

²² *Id.* at 7-8.

²³ *Id.* at 8.

²⁴ Application at 8-9.

²⁵ *Id.* at 9.

²⁶ *Id.* at 7.

²⁷ 47 CFR § 63.03(c)(1)(v).

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 January 3, 2023**, and reply comments **on or before January 10, 2023**. 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 <https://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.²⁸ 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.

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.

In addition, email one copy of each pleading to each of the following:

- 1) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Christi Shewman, Competition Policy Division, Wireline Competition Bureau, christi.shewman@fcc.gov; and
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

The proceeding in this Public 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

²⁸ 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).

1.1206(b).²⁹ 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.³⁰ 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, Wireline Competition Bureau.

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²⁹ 47 CFR § 1.1206(b).

³⁰ *See id.* § 1.45(c).