



PUBLIC NOTICE

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DA 22-527
May 12, 2022

DOMESTIC 214 APPLICATION GRANTED FOR THE TRANSFER OF ENA HEALTHCARE SERVICES, LLC AND ENA SERVICES, LLC TO ZAYO GROUP, LLC

WC Docket No. 22-111

By this Public Notice, the Wireline Competition Bureau grants the application filed by Commodore Intermediate Holdco, LLC (Commodore) and its indirect wholly-owned subsidiaries, ENA Healthcare Services, LLC (ENA Healthcare) and ENA Services, LLC (ENA Services) (together, ENA Subsidiaries), and Zayo Group, LLC (ZGL or Transferee) (Commodore, ENA Subsidiaries, and ZGL, 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 to transfer indirect control of the ENA Subsidiaries from Commodore to ZGL.¹

On March 23, 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. 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 Zayo Group, LLC and Commodore Intermediate Holdco, LLC for Consent Pursuant to Section 214 of the Communications Act of 1934, as Amended, to Transfer Control of Holders of Domestic Section 214 Authority to Zayo Group, LLC, WC Docket No. 22-111 (filed Mar. 7, 2022) (Application). On March 15, 2022 and March 20, 2022, Applicants filed supplements to their domestic section 214 application. Supplement to Application, WC Docket No. 22-111 (filed Mar. 15, 2022) (Supplement); Letter from Catherine Wang and Brett Ferenchak, Counsel to Zayo Group, LLC, to Marlene H. Dortch, Secretary, FCC (Mar. 20, 2022) (on file in WC Docket No. 22-111). 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 ENA Healthcare Services, LLC and ENA Services, LLC to Zayo Group, LLC*, WC Docket No. 22-111, Public Notice, DA 22-313 (WCB 2022). The ENA Subsidiaries are direct wholly-owned subsidiaries of Education Networks of America, Inc. (together with the ENA Subsidiaries, ENA OpCos) and indirect wholly-owned subsidiaries of Commodore. Applicants state that, using leased facilities from other providers, including in some cases from ZGL, the ENA OpCos provide services primarily to school districts and libraries that participate in the Schools and Libraries (E-Rate) universal service program and rural healthcare providers that participate in the Rural Health Care (RHC) universal service program. Application at 2-3, 6-7. ZGL and its operating company subsidiaries provide competitive local exchange services in the District of Columbia and every state except Alaska, and serve primarily carrier and enterprise customers over regional and metropolitan fiber networks. *Id.* at 2.

³ 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,

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.⁴ 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
ENA Healthcare Services, LLC and ENA Services, LLC to Zayo Group, LLC,
WC Docket No. 22-111, Public Notice, DA 22-313 (WCB 2022).

For further information, please contact Gregory Kwan at (202) 418-1191, Competition Policy Division, Wireline Competition Bureau.

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paras. 26 and 52 (2017) (finding no harm to competition where 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”).

⁴ Applicants acknowledge that consummation of the proposed transaction will not alter the ENA Subsidiaries' responsibility to comply with an existing enforcement action. They state that “ENA Healthcare will continue to meet the requirements of its Consent Decree with the Commission, including payment of the Settlement Amount and other compliance requirements. Further, ENA Healthcare's internal compliance structure, including its Compliance Officer, is not expected to change as a result of the Transaction. Finally, Transferee and the ENA OpCos confirm that the proposed Transaction will not result in any changes that would compromise the ability of the ENA OpCos to meet their obligations under the E-Rate and RHC Programs.” Application at 6 (citing *TeleQuality Communications, LLC*, File No. EB-IHD, 19-00028870, Order and Consent Decree, 35 FCC Rcd 503 (EB 2020)). A grant of the domestic section 214 application is without prejudice to any enforcement action by the Commission or action by the Universal Service Administrative Company (USAC) for non-compliance with the Act, or the Commission's rules, including the rules for the E-Rate and RHC universal service programs. In addition, the ENA Subsidiaries and Transferee must comply with any and all final orders or consent decrees associated with any Commission investigation into the ENA Subsidiaries' compliance (including without limitation compliance by the predecessor company, TeleQuality Communications, LLC) with the Act and the Commission's rules, including any requirements in such orders or consent decrees to file, report, or otherwise provide any information to USAC or to make payments to USAC as the administrator of the Universal Service Fund.