**DA 23-373**

**Released: May 5, 2023**

**DOMESTIC SECTION 214 APPLICATION FILED**

**FOR THE TRANSFER OF CERTAIN ASSETS OF AL-CALL, INC.**

**AND ATC BROADBAND, LLC TO LIVEOAK FIBER, LLC**

**STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 23-138**

**Comments Due: May 19, 2023**

**Reply Comment Due: May 26, 2023**

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Al-Call, Inc. (Al-Call), ATC Broadband, LLC (ATC Broadband) (Al-Call and ATC Broadband, together, ATC), LiveOak Fiber, LLC (LiveOak) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission’s rules,[[1]](#footnote-3) requesting consent for ATC to transfer certain customers and other assets to LiveOak.[[2]](#footnote-4)

Al-Call, a Georgia corporation, is a registered competitive local exchange carrier (LEC) in Georgia. ATC Broadband, a Georgia limited liability company, is a cable company with a statewide franchise in Georgia. ATC currently provides services to 138 business customers with 181 customer locations in Camden and Glynn Counties in Georgia.[[3]](#footnote-5)

LiveOak, a Delaware limited liability company, is certified to provide competitive local exchange service in Georgia and currently operates a broadband network in several counties in Florida and Georgia. LiveOak is ultimately held by Sun Life Financial Inc., a publicly traded Canadian corporation.[[4]](#footnote-6)

Pursuant to the terms of the proposed transaction, Applicants have agreed to the transfer of 119 of ATC’s customers and ATC’s network assets in Camden and Glynn counties to LiveOak. Upon consummation of the proposed transaction, LiveOak will acquire the network facilities used to serve all of ATC’s customers in Glynn and Camden except for 19 that are being retained by ATC. LiveOak will simultaneously lease back to ATC the capacity and connections needed to serve the customers that will not be transferred to LiveOak.

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 streamlined filing under section 63.03(b)(2)(i) of the Commission’s rules.[[5]](#footnote-7)

Domestic Section 214 Application Filed for the Transfer of Certain Assets of

Al-Call, Inc. and ATC Broadband, LLC to LiveOak Fiber, LLC,

WC Docket No. 23-138 (filed Apr. 21, 2023).

**GENERAL INFORMATION**

The transfer of assets 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 May 19, 2023**, and reply comments **on or before May 26, 2023**. 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](mailto:tracey.wilson@fcc.gov);
2. Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, [dennis.johnson@fcc.gov](mailto:dennis.johnson@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.[[6]](#footnote-8) 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.

**-FCC-**

1. *See* 47 U.S.C. § 214; 47 CFR §§ 63.03-04. [↑](#footnote-ref-3)
2. Application of Al-CALL, Inc. and ATC Broadband, LLC to LiveOak Fiber, LLC, et al. for Grant of Authority for the Assignment of Certain Assets, WC Docket No. 23-138 (filed Apr. 21, 2023) (Application). Applicants filed supplements to the Application on April 24, 2023, and May 1, 2023. Letter from Bob Silverman, Counsel for LiveOak Fiber, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-138 (filed Apr. 24, 2023) (Apr. 24 Supplement); Letter from Bob Silverman, Counsel for LiveOak Fiber, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-138 (filed May 1, 2023). Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. [↑](#footnote-ref-4)
3. The ATC entities are affiliates of the Alma Telephone Company, an incumbent LEC providing service in Bacon and Pierce counties in Georgia. [↑](#footnote-ref-5)
4. Applicants filed detailed ownership information in the Application. Application at 7-9; Apr. 24 Supplement at Exh. A (LiveOak Fiber Ownership Chart). [↑](#footnote-ref-6)
5. 47 CFR § 63.03(b)(2)(i). [↑](#footnote-ref-7)
6. *See* 47 CFR § 1.45(c). [↑](#footnote-ref-8)