



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 23-558
Released: June 27, 2023

**DOMESTIC SECTION 214 APPLICATION FILED
FOR THE TRANSFER OF CONTROL OF
ATLANTA DATACOM, INC., D/B/A ADCOM SOLUTIONS TO APPDIRECT, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 23-175

Comments Due: July 11, 2023

Reply Comment Due: July 18, 2023

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Atlanta Datacom, Inc. d/b/a ADCom Solutions (ADCom), George F. Johnson Jr. and William B. Johnson (Transferors), AppDirect, Inc. (AppDirect) (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 requesting consent to transfer control of ADCom, from Transferors to AppDirect.²

ADCom, a Georgia corporation, provides resold competitive interstate services in multiple states. ADCom states it provides a variety of managed and carrier services to its enterprise customers. George F. Johnson Jr. and William B. Johnson, both residents of the state of Georgia, are the record and beneficial owners of all of the issued and outstanding shares of ADCom, with each holding 50% of the Company's shares.

AppDirect, a Delaware corporation, provides business-to-business cloud marketplace and cloud management services across the United States. AppDirect does not hold any Commission authorizations or licenses. AppDirect's wholly-owned subsidiary, AppSmart TGN, Inc., provides resold telecommunications services. Applicants state that the following individuals and entities will ultimately hold a ten percent or greater interest in AppDirect: Ajay Gopal Royan (Canadian Citizen); Daniel Saks (Canadian Citizen); Nicholas Desmarais (Canadian Citizen); Paul Desmarais Jr. (Canadian Citizen); and Trident Nominees (I. OM) Limited (Isle of Man entity). Applicants

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04.

² Applicants filed supplements to the application on June 15, 2023 and June 23, 2023. Letter from Charles A. Hudak, Counsel for George F. Johnson Jr. and William Johnson, and Henry Shi, Counsel for AppDirect, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-175 (filed June 15, 2023); Letter from Henry Shi, Counsel for AppDirect, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-175 (filed June 23, 2023).

further state that ADCom will be controlled by its board of directors, which is expected to consist of Nicholas Desmarais and Mark Liu, citizens of Canada and the United States, respectively.

Pursuant to the terms of the stock purchase agreement, AppDirect will purchase 100% of the outstanding shares of ADCom from George F. Johnson Jr. and William B. Johnson. Following the consummation of the proposed transaction, AppDirect will be the direct parent of ADCom.

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.³

Domestic Section 214 Application Filed for the Transfer of Control of
Atlanta DataCom, Inc. d/b/a ADCom Solutions,
From George F. Johnson Jr. and William B. Johnson to AppDirect, Inc.,
WC Docket No. 23-175 (filed May. 24, 2023).

GENERAL INFORMATION

The transfer of control 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 July 11, 2023**, and reply comments **on or before July 18, 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;
- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) Jim Bird, Office of General Counsel, 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 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

³ 47 CFR § 63.03(b)(2)(i).

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.⁴ 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.

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⁴ See 47 CFR § 1.45(c).