



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>

DA 23-931

Released: October 4, 2023

**INTERCONNECTED VOIP NUMBERING AUTHORIZATION APPLICATION FILED BY
CONSOLIDATED COMMUNICATIONS ENTERPRISE SERVICES, INC. PURSUANT TO
SECTION 52.15(g)(3) OF THE COMMISSION'S RULES**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 23-6¹

Comments Due: November 3, 2023

Consolidated Communications Enterprise Services, Inc. (CCES or Applicant), an interconnected Voice over Internet Protocol (VoIP) provider with 10% or greater foreign ownership,² has filed a Numbering Authorization Application (Application), pursuant to section 52.15(g)(3) of the Federal Communications Commission's (Commission) rules, seeking authorization to obtain North American Numbering Plan telephone numbers directly from the Numbering Administrator.³ We find that CCES's

¹ We assign WC Docket No. 23-6 for this application and all related filings by the applicant and interested parties. See *Wireline Competition Bureau Announces Commencement Date and Process for Interconnected VoIP Providers to File Applications for Authorization to Obtain Telephone Numbers*, CC Docket Nos. 95-116 et al., Public Notice, 31 FCC Rcd 949, 950 (WCB 2016).

² See *Grant of Consolidated Communications Holdings, Inc. and Searchlight III CLV, L.P. Petition for Declaratory Ruling*, IB Docket No. 21-172, Public Notice, 36 FCC Rcd 16416 (IB 2021) (*CCI Declaratory Ruling Public Notice*).

³ See Application of CCES for Certification as an Interconnected VoIP Provider for Direct Access to Numbering Resources Pursuant to Section 52.15(g)(3) of the Commission's Rules, WC Docket No. 23-6, at 1 (filed Dec. 19, 2022), <https://www.fcc.gov/ecfs/document/12190893900929/1> (Application); 47 CFR § 52.15(g)(3). CCES seeks direct access to numbering resources in the contiguous 45 states, excluding previously granted Maine, New Hampshire, and Vermont. Application at 3. A predecessor company of CCES, Enhanced Communications of Northern New England, Inc., doing business as Consolidated Long Distance, previously applied for, and received, direct access for numbering resources in Maine, New Hampshire, and Vermont. Application at 3 (citing *Notice of Interconnected VoIP Numbering Authorization Granted*, WC Docket No. 18-204, Public Notice, 33 FCC Rcd 11265 (WCB 2018)). CCES has confirmed that, consistent with the requirements in section 52.15(g)(2) of the Commission's rules, the evidence included in the Application support its assertion that CCES "is authorized to provide service in the area for which the numbering resources are requested; and that the applicant is or will be capable of providing service within sixty (60) days of the numbering resources activation date," and that this evidence applies to "all states nationwide, including without limitation Maine, New Hampshire, and Vermont;" Supplement to CCES Application of CCES for Authorization to Obtain Numbering Resources, WC Docket No. 23-6 (filed July 7, 2023), <https://www.fcc.gov/ecfs/document/10707243625825/1> (Supplement 1); Supplement to CCES Application of CCES for Authorization to Obtain Numbering Resources, WC Docket No. 23-6 (filed Sept. 22, 2023), <https://www.fcc.gov/ecfs/document/10923056999476/1> (Supplement 2); see 47 CFR § 52.15(g)(2).

application for authorization for direct access to telephone numbers requires further analysis to determine whether granting the Application would serve the public interest, and we hereby notify CCES that the Application is being accepted on a non-streamlined basis and will not be granted automatically.⁴

In its Application, CCES includes the contact information and acknowledgments required by section 52.15(g)(3)(i) of the Commission's rules.⁵ CCES provides evidence that it will be capable of providing service within 60 days of the numbering resources activation date.⁶ CCES also certifies that it complies with the contribution, regulatory fee, and 911 obligations set forth in section 52.15(g)(3)(i)(E).⁷ In addition, CCES certifies that it has the financial, managerial, and technical expertise to provide reliable service.⁸ CCES further certifies that none of its key management and technical personnel is being or has been investigated by the Commission, or any law enforcement or regulatory agency, for failure to comply with any law, rule, or order.⁹ Finally, CCES certifies that no party to the Application is subject to a denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.¹⁰

The Commission has discretion to refer applications to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of the Applicant.¹¹ On November 23, 2021, the International Bureau granted a petition for declaratory ruling filed by Consolidated Communications Holdings, Inc. and Searchlight III CVL, L.P., to permit foreign ownership of Consolidated Communications, Inc. (CCI)¹² to exceed the 25% benchmark specified in section 310(b)(4) of the Telecommunications Act of 1996.¹³ The Commission conditioned its approval on compliance with a Letter of Agreement entered into with the Executive Branch agencies.¹⁴ In light of this preexisting review and agreement, we are exercising our discretion and are not referring the Application to the Executive Branch. Although we are not formally referring this Application, we will provide a courtesy copy of this public notice to the Executive Branch agencies.¹⁵

⁴ 47 CFR § 52.15(g)(3)(iii)(D).

⁵ Application at 1-3; *see* 47 CFR § 52.15(g)(3)(i)(A)-(C), (F).

⁶ Application at 3, Attach.; Supplement 1; *see* 47 CFR § 52.15(g)(3)(i)(D).

⁷ Application at 4; *see* 47 CFR § 52.15(g)(3)(i)(E); *see also id.* §§ 1.1154, 52.17, 52.32, 64.604(c)(5)(iii); *id.* pts. 9 and 54, subpt. H.

⁸ Application at 4; *see* 47 CFR § 52.15(g)(3)(i)(F).

⁹ Application at 4.

¹⁰ *Id.*; *see* 47 CFR § 52.15(g)(3)(i)(G); *see also* 21 U.S.C. § 862.

¹¹ 47 CFR § 1.40001; *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Report and Order, 35 FCC Rcd 10927, 10935-38, paras. 24-28 (2020) (*Executive Branch Review Order*) (setting out which types of applications will generally be referred to the Executive Branch, but noting the Commission has the discretion to refer additional types of applications if it finds that the specific circumstances of an application require the input of the Executive Branch as part of the Commission's public interest determination); *see also Rules and Policies on Foreign Participation in the U.S. Telecommunications Market; Market Entry and Regulation of Foreign-Affiliated Entities*, IB Docket Nos. 97-142 and 95-22, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23918-19, paras. 61-63 (1997), *recon. denied*, 15 FCC Rcd 18158 (2000).

¹² CCES is a wholly owned subsidiary of CCI, which is in turn a wholly owned subsidiary of Consolidated Communications Holdings, Inc. *See* Application at 1; *see also* Supplement 2.

¹³ *See CCI Declaratory Ruling Public Notice*, 36 FCC Rcd at 16416.

¹⁴ *See id.* at 16421.

¹⁵ *See Executive Branch Review Order* at 10941, para. 36, n.99; *see also id.* at 10939, para 30, n.81.

GENERAL INFORMATION

The Application identified herein has been found, upon initial review, to be acceptable for filing as a non-streamlined application. 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. Pursuant to section 52.15(g)(3)(iii)(D) of the Commission's rules,¹⁶ interested parties may file comments in WC Docket No. 23-6 **on or before November 3, 2023**. Commenters must serve a copy of comments on CCES no later than the above comment filing date.

- *Electronic Filers*: Comments may be filed electronically by accessing ECFS at <https://apps.fcc.gov/ecfs>.¹⁷
- *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. 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.
 - 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, DA 20-304 (March 19, 2020).
<https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

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, e-mail one copy of each pleading to each of the following:

- 1) DAA@fcc.gov;
- 2) Margoux Newman, Competition Policy Division, Wireline Competition Bureau,
Margoux.Newman@fcc.gov;
- 3) Michelle Sclater, Competition Policy Division, Wireline Competition Bureau,
Michelle.Sclater@fcc.gov.

¹⁶ 47 CFR § 52.15(g)(3)(iii)(D).

¹⁷ See *VoIP Direct Access to Numbers Order*, 30 FCC Rcd at 6858, para. 39; see also 47 CFR § 52.15(g)(3)(ii).

The proceeding in this Notice will 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).¹⁸ 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.¹⁹ 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.

Please contact DAA@fcc.gov, Margoux Newman at Margoux.Newman@fcc.gov, or Michelle Sclater at Michelle.Sclater@fcc.gov for further information.

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¹⁸ 47 CFR § 1.1206(b).

¹⁹ *See id.* § 1.45(c).