



PUBLIC NOTICE

Federal Communications Commission
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DA 03-3126
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DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL OF DENTON TELECOM PARTNERS I, L.P. TO GRANDE COMMUNICATIONS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 03-218

On September 30, 2003, Denton Telecom Partners I, L.P. (DTP) filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,¹ to transfer control of DTP to Grande Communications, Inc. (Grande) (together with DTP, Applicants).²

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(i) because the proposed transaction would result in the transferee having a market share in the interstate, interexchange market of less than ten percent, and the transferee will provide competitive telephone exchange services or exchange access services (if at all) exclusively in geographic areas served by a dominant local exchange carrier that is not a party to this transaction, and neither DTP nor Grande is dominant with respect to any service.

DTP is a facilities-based CLEC providing new broadband construction-based cable TV, local and interexchange telephony services, and Internet access services to primarily residential as well as commercial customers in the Dallas-Fort Worth area.³ Denton Telecom Holdings I, L.L.C. (Denton) owns the sole general partnership interest in DTP. Denton Telecom Investors I, L.L.C. owns all limited partnership interests in DTP.

¹ 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

² Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related pending applications.

³ *See* Letter from Brad E. Mutschelknaus et al., Kelley Drye & Warren LLP, to Marlene H. Dortch, Secretary, FCC, *Denton Telecom Partners I, L.P. Application for Consent to Transfer Control of an Entity Holding Blanket Domestic Section 214 Authority*, Oct. 6, 2003.

Grande does not itself provide regulated telecommunications services and is not authorized to provide regulated telecommunications services in any state. Through its affiliates, however, Grande is a facilities-based CLEC providing new broadband construction-based cable TV, local and interexchange telephony services, and Internet access services to primarily residential as well as commercial customers in various communities in Texas, plus wholesale telecommunications and Internet services to national and competitive telecommunications companies.⁴ Grande is a direct, wholly owned subsidiary of Grande Communications Holdings, Inc. (Holdings). Holdings is not authorized to provide regulated telecommunications services in any state but functions solely as a holding company for Grande and its affiliate, Grande Communications Networks, Inc. (Networks). Holdings has two 10% or greater owners, each of which owns 14% of Holdings and is a U.S. citizen: Centennial Ventures, Attn: General Counsel, 1428 Fifteenth Street, Denver, CO 80202; and Whitney & Co., Attn: William Laverack, Jr., 177 Broad St., Stamford, CT 06901.

On August 27, 2003, Denton, Denton Telecom Investors I, L.L.C., and Grande entered into a multiparty Membership Interest Purchase and Sale Agreement that contemplates the transfer of control of DTP to Grande. Upon completion of the transaction, Grande would hold a direct 100% ownership interest in the voting capital stock of, and 100% voting control over, Denton, and thus DTP. The proposed transfer of control will be transparent to current customers of DTP.

The Applicants state that this proposed transaction will serve the public interest, convenience and necessity by allowing increased availability and competition in the provision of domestic telecommunications services. Additionally, the pro-competitive benefits of the transfer of control, placing DTP on firm financial footing and preserving competition, would not be diminished by anticompetitive effects. No competitors would be eliminated from any market for telecommunications services as a result of the transaction, and neither DTP nor Grande, nor any of their respective affiliates, control or hold substantial interest in any dominant telecommunications carrier.

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 of control 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 within 14 days** and **reply comments within 21 days** of this notice.⁵ Unless otherwise notified by the Commission, Applicants are permitted to transfer on the 31st day after the date of this notice.⁶ Comments may be filed using the Commission's Electronic Comment

⁴ *See id.*

⁵ *See* 47 C.F.R. § 63.03(a).

⁶ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893;
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: twilson@fcc.gov;
- (3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 6-A461, Washington, D.C. 20554; e-mail: dcjohnso@fcc.gov;
- (4) Julie Veach, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C124, Washington, D.C. 20554; e-mail: julie.veach@fcc.gov;

- (5) Imani Ellis-Cheek, Telecommunications Division, International Bureau, 445 12th Street, S.W., Room 6-A739, Washington, D.C. 20554; email: iellis@fcc.gov; and
- (6) Christopher Killion, Office of General Counsel, 445 12th Street, S.W., Room 8-C740, Washington, D.C. 20554; e-mail: ckillion@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

For further information, please contact Tracey Wilson, at (202) 418-1394, or Dennis Johnson at (202) 418-0809.

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