



PUBLIC NOTICE

Federal Communications Commission
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DA 03-602

Released: February 27, 2003

**DOMESTIC SECTION 214 APPLICATION FILED FOR ACQUISITION OF ASSETS OF
GILLETTE GLOBAL NETWORK, INC. BY CYPRESS COMMUNICATIONS
OPERATING COMPANY, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 03-49

On February 7, 2003, Cypress Communications Operating Company, Inc. (“Cypress Operating”) and Gillette Global Network, Inc. (“GGN”) (together “Applicants”) filed an application, pursuant to sections 63.03 and 63.04 of the Commission’s rules,¹ for consent to enable GGN to transfer assets related to the interstate services provided by GGN to customers at shared tenant services (“STS”) locations and elsewhere in California.²

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(i) of the Commission’s rules because: (1) the proposed transaction would result in Cypress Operating having a market share in the interstate, interexchange market of less than 10 percent; (2) Cypress Operating would 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 the transaction; and (3) neither of the Applicants is dominant with respect to any service.

Cypress Communications is a provider of bundled telecommunications services to small and medium-sized businesses located in multi-tenant office buildings throughout the United States. Regulated telecommunications services, including interstate and international long distance services, are provided by Cypress Operating. Cypress Communications offers customized, fully integrated premium service bundles that may include some combination of high speed Internet connectivity, e-mail services, fully managed firewall services, web hosting,

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

² Applicants have also filed an application to transfer assets related to international services. Any action on this domestic 214 application is without prejudice to Commission on other related pending applications.

virtual private networks, feature rich digital desktop stations, local, long distance and toll free services, calling cards, audio and web conferencing and digital business television.

The proposed transaction is part of a larger transaction between Cypress Communications, Inc. (“Cypress Communications”), the parent of Cypress Operating, and Eureka Broadband Corporation (“Eureka”), the parent of GGN, involving the sale of Eureka’s STS and other telecommunications services business in California, including interstate, long distance services provided by GGN to STS customers and a number of other customers outside of those STS locations, to Cypress Communications. Specifically, Cypress Communications and Eureka have entered into a Letter of Intent dated as of January 16, 2003, whereby Eureka will assign its STS operations and certain non-STS customers to Cypress Communications through an asset sale, including approximately 720 customers located in the Los Angeles, California metropolitan area.

Applicants assert that the proposed transaction is in the public interest because they expect it to invigorate competition in California. Applicants further state that this proposed transaction will not adversely impact existing GGN customers. Applicants state that the proposed transaction is structured to assure an orderly transition of the affected customers to Cypress Communications, a company that specializes in the provision of in-building services to commercial customers. Moreover, given that Cypress Operating will provide service on the same rates, terms and conditions as the services that GGN currently provides, and that the transaction will not involve a change in the equipment through which that service is provided, Applicants expect the transaction to be virtually transparent to customers. Applicants state that GGN’s customers will be notified of the transaction and the change in their telecommunications provider from GGN to Cypress Operating.

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 of assets 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.³ Unless otherwise notified by the Commission, an applicant is permitted to transfer control of the domestic lines or authorization to operate on the 31st day after the date of this notice.⁴ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

³ See 47 C.F.R. § 63.03(a).

⁴ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

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 an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "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 appear 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, and
- (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, and
- (4) William Dever, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: wdever@fcc.gov; and

- (5) Imani Ellis-Cheek, Telecommunications Division, International Bureau, 445 12th Street, S.W., Room 6-A739, Washington, D.C. 20554; email: ielis@fcc.gov; and
- (6) Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: njoshi@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, Dennis Johnson (202) 418-0809, or William Dever, Competition Policy, Wireline Competition Bureau at (202) 418-1578.

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