



PUBLIC NOTICE

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Docket No: 10-00193

DA 10-1998
Released: October 18, 2010

DOMESTIC SECTION 214 APPLICATIONS FILED FOR THE TRANSFER OF CONTROL OF THE OPERATING SUBSIDIARIES OF ITC^DELTACOM, INC. TO EARTHLINK, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 10-209

Comments Due: November 1, 2010
Reply Comments Due: November 8, 2010

On October 6, 2010, ITC^DeltaCom, Inc. (ITCD) and EarthLink, Inc. (EarthLink) (together, Applicants) filed applications pursuant to section 63.03 of the Commission's rules to request approval to transfer control of ITCD's wholly owned operating subsidiaries, DeltaCom, Inc. (DeltaCom), Interstate FiberNet, Inc. (IFN), and Business Telecom, Inc. (BTI), to EarthLink.¹

ITCD is a publicly traded Delaware holding company that does not itself provide telecommunications services. DeltaCom provides competitive local exchange carrier (LEC) services in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. BTI provides competitive LEC services in Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.² IFN is authorized to provide wholesale transmission services in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, New York, South Carolina, and Texas. Applicants further state that both DeltaCom and BTI are authorized to provide interexchange services in all 50 states and the District of Columbia, and that DeltaCom, BTI, and IFN primarily serve business customers for all services. EarthLink, a publicly traded Delaware corporation, is an Internet service provider. Its wholly owned subsidiary, New Edge Networks, Inc., is authorized to provide competitive LEC and interexchange services in all states except Hawaii, Idaho, and the District of Columbia. Applicants state that no person or entity directly or indirectly holds a 10 percent or greater equity interest in EarthLink.

Pursuant to the terms of the proposed transaction, EarthLink will acquire the stock of ITCD, and, as a result, DeltaCom, BTI, and IFN will become indirect, wholly owned subsidiaries of EarthLink.

¹ 47 C.F.R. § 63.03; see 47 U.S.C. § 214. Applicants also filed an application for transfer of control associated with authorizations for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other pending applications. Applicants filed a supplement to their domestic section 214 application on October 15, 2010.

² BTI provides service in Virginia through its subsidiary, Business Telecom of Virginia, Inc.

Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.³

Domestic Section 214 Applications Filed for the Transfer of Control of the Operating Subsidiaries of ITC^DeltaCom, Inc. to EarthLink, Inc., WC Docket No. 10-209 (filed Oct. 6, 2010).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is 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. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before November 1, 2010**, and reply comments **on or before November 8, 2010**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁴ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's e-Rulemaking Portal. *See* 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal e-Rulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers 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, filers should send an e-mail to ecfs@fcc.gov and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

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

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

³ 47 C.F.R. § 63.03(b)(2)(i).

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

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: (202) 488-5300; fax: (202) 488-5563; e-mail: fcc@bcpiweb.com; url: www.bcpiweb.com.

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For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Jodie May at (202) 418-0913

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