



PUBLIC NOTICE

Federal Communications Commission
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DA 19-608
June 28, 2019

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF ACCIPITER COMMUNICATIONS, INC. D/B/A ZONA COMMUNICATIONS
FROM PINPOINT HOLDINGS, INC. TO WYYERD GROUP LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 19-178

Comments Due: July 12, 2019
Reply Comments Due: July 19, 2019

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Pinpoint Holdings, Inc. (Pinpoint Holdings) and Wyverd Group LLC (Wyverd) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules, requesting consent to transfer control of Accipiter Communications, Inc. d/b/a Zona Communications (Zona) from Pinpoint Holdings to Wyverd.¹

Zona, a Nevada corporation, provides services as an incumbent local exchange carrier (LEC) in the Phoenix, Arizona metropolitan area, as well as other services north of Phoenix. Zona is wholly owned by Pinpoint Holdings, a privately-held, U.S. corporation. Over 70 percent of Zona's stock is owned by four individuals (Zona Owners), all of whom are U.S. citizens.²

Wyverd, a Delaware limited liability company, is a holding company that does not itself provide telecommunications services. Its subsidiary, Wyverd Connect, provides Internet access services and is authorized to provide competitive LEC services in Georgia. Wyverd currently owns fiber facilities and serves customers in Atlanta and has limited facilities in Indiana and Texas. Post-consummation, the following entities and individuals will hold a ten percent or greater interest in Wyverd: Wyverd Select Investors, LLC (19.20 percent interest), a Delaware corporation ultimately

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed applications for the transfer of authorizations associated with international and wireless services. Any action on the domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² The Zona Owners are William E. Shoemaker (13.21%); J. Richard Shoemaker (25.88%); Eric B. Eisenhart (21.23%); and G. Franklin Shoemaker (12.69%). No other individual or entity owns a 10% or greater interest in Wyverd.

owned by the Zona Owners and other individuals with smaller interests; and ESU Zona, LLC (58.27 percent interest), a Delaware corporation that is wholly owned by John Scarano, a U.S. Citizen.

Pursuant to the terms of the stock purchase agreement, Wyverd will acquire control of Zona through a series of concurrent transactions. The Applicants state, upon completion of the proposed transaction, Zona will become a direct, wholly-owned subsidiary of Wyverd. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(ii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.³

Domestic Section 214 Application Filed for the Transfer of Control of
Accipiter Communication, Inc. d/b/a Zona Communications to Wyverd Group LLC,
WC Docket No. 19-178 (filed June 21, 2019).

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 12, 2019**, and reply comments **on or before July 19, 2019**. 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) David Krech, International Bureau; david.krech@fcc.gov;
- 4) Sumita Mukhoty, International Bureau; sumita.mukhoty@fcc.gov;
- 5) Linda Ray; linda.ray@fcc.gov; and
- 6) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

³ 47 CFR § 63.03(b)(2)(ii).

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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 *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.

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

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