



PUBLIC NOTICE

Federal Communications Commission
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DA 17-811

August 29, 2017

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF NEXTGEN MULTIMEDIA LIMITED TO TRUSTEE

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 17-209

Comments Due: September 12, 2017

Reply Comments Due: September 19, 2017

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by World Diversity Limited (World Diversity) and Frank Washington, Trustee (Trustee) (collectively, Applicants), pursuant to Section 214 of the Communications Act of 1934, as amended, and Section 63.03 of the Commission's rules, requesting consent to transfer control of NextGen MultiMedia Limited (NextGen) from World Diversity to the Trustee.¹

NextGen, a Delaware limited company, offers competitive telecommunications services in California, New York, and Virginia to carriers and other entities providing international telecommunications services. NextGen is wholly owned by World Diversity, an entity organized under the laws of the Bahamas and holding company that, in turn, is indirectly wholly owned by Hutchison Global Communications Investment Holding Limited (Hutchison), a data services provider and entity organized under the laws of the British Virgin Islands.

The Lincoln Multimedia Trust (Trust), a California trust, has been established to hold the shares of NextGen, with the sole beneficiary being Lincoln Multimedia, LLC (Lincoln Multimedia), a Delaware limited liability company. Lincoln Multimedia is an affiliate of I Squared Capital (ISQ), a Delaware investment company that, as part of a larger transaction, seeks to purchase Hutchison.² Applicants state that the Trustee and U.S. citizen, Mr. Frank Washington, will exclusively operate and manage NextGen until control of NextGen can be transferred to Lincoln Multimedia, its eventual designee, or a third party. Applicants state that the Trustee and related affiliates do not provide any domestic telecommunications services. They further state that they seek consent here only for the proposed transfer of control of

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

² Applicants state that ISQ is acquiring control of Hutchison and that NextGen's business constitutes a small fraction of Hutchison's overall business, the majority of which is located outside the United States.

NextGen from World Diversity to the Trustee for the duration of the Trust and will file a separate future application seeking Commission approval for the transfer of NextGen to Lincoln Multimedia, its designee, or a third party buyer.

Pursuant to the terms of the proposed transaction, the Trustee will purchase all the outstanding shares of NextGen from World Diversity. Applicants state the Trustee will have de jure and de facto control of NextGen, which will continue to provide services under the same rates, terms, and conditions as currently apply. The Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under Sections 63.03(b)(1)(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
NextGen Multimedia Limited to Trustee, WC Docket No. 17-209
(filed Aug. 18, 2017).

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 September 12, 2017**, and reply comments **on or before September 19, 2017**. 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 in this proceeding 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) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@fcc.gov;
- 3) David Krech, International Bureau, david.krech@fcc.gov;
- 4) Sumita Mukhoty, International Bureau, sumita.mukhoty@fcc.gov, and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

³ 47 CFR § 63.03(b)(1)(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 Gregory Kwan at (202) 418-1191.

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