



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 19-924

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**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
SUMMIT VISTA INC. AND
ORLANDO TELEPHONE COMPANY, INC. D/B/A SUMMIT BROADBAND**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 19-245

Comment Date: October 2, 2019

Reply Comment Date: October 9, 2019

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Cable Bahamas Ltd. (Cable Bahamas) and Summit Ultimate Holdings LLC (Summit Ultimate) (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 Summit Vista Inc. (Summit Vista) and its wholly owned subsidiary, Orlando Telephone Company, Inc. d/b/a Summit Broadband (Orlando Telephone), to Summit Ultimate.¹

Cable Bahamas, a Bahamas publicly traded corporation, provides telecommunications services and other services in the Commonwealth of the Bahamas. Summit Vista, a Florida holding company, is a wholly owned subsidiary of Cable Bahamas and owns 100% of the issued and outstanding capital stock of Summit Broadband Inc. (Summit Broadband). Summit Broadband, a Florida corporation, is a holding company that owns 100% of the issued and outstanding capital stock of Orlando Telephone. Orlando Telephone, also a Florida corporation, provides telecommunications services as a competitive local exchange carrier (LEC) and other services to commercial and residential customers located in Central and Southwest Florida.

Summit Ultimate, a Delaware limited liability company, does not provide telecommunications services, but is affiliated with Great Plains Communications LLC, an incumbent LEC that serves areas in Nebraska, Colorado, Kansas, and South Dakota. Summit Ultimate is also affiliated with two competitive LECs: Great Plains Broadband, LLC, serving areas of Nebraska; and InterCarrier Networks, LLC, serving areas in Illinois and Indiana. Summit Ultimate is wholly owned by GCOF II (SC), LLC (GCOF II (SC)), a United States holding company. GCOF II (SC) is held by Grain Communications Opportunity Fund II, L.P. (GCO Fund II) (81.3%), a United States investment fund, and GCOF II Co-Invest (SC), L.P. (GCOF II Co-Invest (SC)) (18.7%), a United States holding company. Summit Ultimate is managed by Grain Management, LLC (Grain Management), which

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants are also filing applications for the transfer of control of international services and wireless licenses. Any action on this domestic section 214 application is also without prejudice to Commission action on other related, pending applications. Applicants filed a supplement to their domestic section 214 application on September 12, 2019.

manages, and is affiliated with, GCO Fund II.² The general partner of GCO Fund II is Grain GP IV, LLC, a Delaware limited partnership, which is ultimately controlled by David J. Grain, a U.S. citizen and owner of Grain Management.³

Pursuant to the terms of a Purchase and Sale Agreement, Summit Ultimate will acquire control of Summit Vista and will thereby acquire Orlando Telephone. After consummation of the transaction, Orlando Telephone will continue to exist and operate under the same name. The Applicants assert the proposed transaction is entitled to streamlined treatment under section 63.03(b)(2)(ii) of the Commission's rules and that a grant of the application would serve the public interest, convenience, and necessity.⁴

Domestic Section 214 Application Filed for the Transfer of Control of
Summit Vista, Inc. and Orlando Telephone Company d/b/a Summit Broadband,
WC Docket No. 19-245 (filed Aug. 30, 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 October 2, 2019**, and reply comments **on or before October 9, 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) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) Sumita Mukhoty, Policy Division, International Bureau, smita.mukhoty@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov;

² The following U.S. entities will hold a 10% or greater limited partnership interest in GCO Fund II, and therefore, Summit Ultimate: Board of Regents of the University of Texas System (11.1%) and the New York State Common Retirement Fund (16.7%). Applicants state that no entities hold a 10% or greater interest in the Board of Regents of the University of Texas System or the New York State Common Retirement Fund.

³ Grain Management also manages, and is affiliated with, Grain Communications Opportunity Fund, L.P., which owns a controlling interest in WANRack, LLC, which builds private networks for K-12 schools throughout the country. Grain Management is affiliated with, and ultimately manages, the buyer in two pending domestic section 214 applications. *See Domestic Section 214 Application Filed for the Transfer of Control of E. Ritter Communications Holdings Inc. and its Subsidiaries to Ritter Communications Ultimate Holdings LLC*, WC Docket No. 19-239, Public Notice, DA 19-895 (WCB 2019); Application of Richard W. Ryan and Hunter Communications Holdings, LLC for Consent to Transfer Control of Hunter Communications, Inc., WC Docket No. 19-248 (filed Sept. 5, 2019).

⁴ 47 CFR § 63.03(b)(2)(ii).

- 5) Jeff Tobias, Mobility Division, Wireless Telecommunications Bureau, jeff.tobias@fcc.gov; and
- 6) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

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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 Myrva Charles at (202) 418-1506 or Dennis Johnson at (202) 418-0809.

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