



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 17-1020**  
**October 17, 2017**

## **DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF FALCON BROADBAND, INC. TO FBB HOLDINGS, LLC**

### **STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 17-276**

**Comments Due: October 31, 2017**

**Reply Comments Due: November 7, 2017**

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Falcon Broadband, Inc. (Falcon Broadband) and FBB Holdings, LLC (FBB) (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 approval for the transfer of control of Falcon Broadband to FBB.<sup>1</sup>

Falcon Broadband, a Colorado corporation, owns and operates a private fiber network providing competitive telecommunications, data, and video services to residential and commercial customers in Colorado Springs and other areas of El Paso County, Colorado. Randy and Cindy De Young, both U.S. citizens, currently each hold a 50 percent interest in Falcon Broadband.

FBB, a Colorado limited liability company, does not provide telecommunications services and is a holding company formed for the purpose of acquiring the majority of shares of Falcon Broadband. Applicants state that, following the consummation of the proposed transaction, FBB will hold an 80 percent interest in Falcon Broadband and Randy De Young will hold a 20 percent interest. FBB is held by the following holding companies and U.S. citizen: Devoy Investments, LLC, a Missouri limited liability company (33.33 percent); Ingram Capital Ventures, LLC, a Kansas limited liability company (33.33 percent); and Ronald Reckrodt (33.34 percent). The Devoy Family Trusts (consisting of the Dennis R. Devoy Irrevocable Trust and the Laura Gardner Devoy Irrevocable Trust) each hold a 50 percent interest in Devoy Investments, LLC. Jeffrey S. Ingram, a U.S. citizen, owns 100 percent of Ingram Capital Ventures, LLC. Applicants state that FBB has no affiliates that provide telecommunications services.

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<sup>1</sup> See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. 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.

Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 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.<sup>2</sup>

Domestic Section 214 Application Filed for the Transfer of Control of  
Falcon Broadband, Inc. to FBB Holdings, LLC, WC Docket No. 17-276 (filed Oct. 11, 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 October 31, 2017**, and reply comments **on or before November 7, 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 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 Freeman, Competition Policy Division, Wireline Competition Bureau, [myrva.freeman@fcc.gov](mailto:myrva.freeman@fcc.gov);
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, [gregory.kwan@fcc.gov](mailto:gregory.kwan@fcc.gov);
- 3) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov);
- 4) David Krech, International Bureau, [david.krech@fcc.gov](mailto:david.krech@fcc.gov); and
- 5) Sumita Mukhoty, International Bureau, [sumita.mukhoty@fcc.gov](mailto:sumita.mukhoty@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

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<sup>2</sup> 47 CFR § 63.03(b)(1)(ii).

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 Gregory Kwan at (202) 418-1191.

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