



PUBLIC NOTICE

Federal Communications Commission
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DA 17-1201
December 14, 2017

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF SUNSET DIGITAL COMMUNICATIONS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 17-273

Comments Due: December 28, 2017
Reply Comments Due: January 4, 2018

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Sunset Digital Communications, Inc. (Sunset Digital), 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 Sunset Digital and its wholly owned subsidiary, Sunset Fiber, LLC (Sunset Fiber), to Sunset Digital Holdings, Inc. (Sunset Digital Holdings).¹

Sunset Digital, a Virginia corporation, provides competitive telecommunications services to residential and commercial customers in portions of Virginia and Tennessee. Sunset Digital wholly owns Sunset Fiber, a Virginia limited liability company, that currently does not provide telecommunications services but holds authority to provide competitive telecommunications services in Virginia. Sunset Digital is currently owned by Paul and Ryan Elswick, each U.S. citizens and holding an equal 50 percent interest.

Sunset Digital Holdings, a Delaware corporation, is a holding company and does not itself provide telecommunications services. Applicants state that, following the consummation of the proposed transaction, the following Delaware limited partnership and U.S. citizens will hold 10

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. On September 29, 2017, November 7, 2017, and December 11, 2017, Applicants filed supplements to their domestic section 214 application. 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. The proposed transaction is related to another domestic section 214 application filed by the Applicants pending with Commission. See Application for Authorization Pursuant to Section 214 of the Communications Act of 1934, as Amended, for Assignment of Assets and/or Transfer of Control, WC Docket No. 17-268 (filed Oct. 13, 2017) (seeking Commission approval for the acquisition of certain assets of the BVU Authority by Sunset Fiber).

percent or greater interest in Sunset Digital Holdings: H.I.G. Capital Partners V, L.P. (H.I.G. V) (70 percent); Paul Elswick (15 percent); and Ryan Elswick (15 percent). Applicants state that H.I.G. V is a private equity fund that does not provide telecommunications services nor does it hold an interest in any other provider of telecommunications services. Applicants further state that while no entity nor individual holds a 10 percent or greater interest in H.I.G. V, it is ultimately controlled by Sami Mnaymneh and Anthony Tamer, both U.S. citizens, who do not hold interests in any other provider of telecommunications services.

Pursuant to the terms of the proposed transaction, Sunset Digital Holdings will become the parent company of both Sunset Digital and Sunset Fiber. As a result, Sunset Digital will no longer wholly own Sunset Fiber. 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.²

Domestic Section 214 Application Filed for the Transfer of Control of
Sunset Digital Communications, Inc, WC Docket No. 17-273 (filed Sept. 22, 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 December 28, 2017**, and reply comments **on or before January 4, 2018**. 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, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Gregory Kwan, Wireline Competition Bureau, gregory.kwan@fcc.gov;
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov;
- 4) David Krech, International Bureau, david.krech@fcc.gov; and
- 5) Sumita Mukhoty, International Bureau, sumita.mukhoty@fcc.gov.

² 47 CFR § 63.03(b)(2)(i).

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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 Gregory Kwan at (202) 418-1191.

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