



# PUBLIC NOTICE

Federal Communications Commission  
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DA 05-3110

Released: November 29, 2005

**DOMESTIC SECTION 214 APPLICATION FILED FOR ACQUISITION OF CERTAIN ASSETS  
OF TIME WARNER CABLE INFORMATION SERVICES (TEXAS), L.P.,  
BY GTE SOUTHWEST INCORPORATED D/B/A VERIZON SOUTHWEST**

**NON-STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 05-327**

**Comments Due: December 13, 2005**

**Reply Comments Due: December 20, 2005**

On November 18, 2005, Time Warner Cable Information Services (Texas), L.P. ("TWCIS"), filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,<sup>1</sup> seeking approval for the sale of certain local exchange assets of TWCIS to GTE Southwest Incorporated d/b/a Verizon Southwest ("Verizon").<sup>2</sup>

Applicants seek streamlined treatment on a case-by-case basis for this transaction, as the transaction is not entitled to presumptive streamlined treatment under section 63.03(b)(1)(iii).<sup>3</sup> Because TWCIS is not an incumbent local exchange carrier as defined by the Act, this application is not subject to streamlined treatment. Nevertheless, Applicants request for expedited treatment of this application will be given consideration.

TWCIS, a Delaware limited partnership, offers facilities-based telecommunications services in Texas. Specifically, TWCIS provides voice telephony services to customers located in portions of the Plum Creek subdivision located in Kyle, Texas, using circuit-switched technology. TWCIS's affiliate, Time Warner Cable, provides multiple communications services to residential and business customers, including digital cable television, VoIP-based voice telephony, and high-speed access to the Internet.

<sup>1</sup> 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

<sup>2</sup> TWCIS is also filing a request to discontinue the provision of circuit-switched domestic telecommunications services to its customers in Kyle, Texas and instead provide, through its affiliate Time Warner Cable, only VoIP-based "Digital Phone" service. *See Comments Invited on Application of Time Warner Cable Information Services (Texas), L.P. to Discontinue Domestic Telecommunications Services*, WC Docket No. 05-330, DA 05-3107 (rel. Nov. 29, 2005). Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications.

<sup>3</sup> *See* 47 C.F.R. § 63.03(b)(1)(iii).

Time Warner Cable Inc. is the parent company of TWCIS. Comcast Corp, a publicly held company, owns a 17.9% indirect ownership interest in Time Warner Cable Inc. through a trust. No other person or entity owns a ten percent or greater direct or indirect interest in TWCIS.

GTE Southwest Incorporated, a Delaware corporation, is a wholly owned subsidiary of GTE Corporation. More than 95% of GTE Corporation, a New York corporation, is owned by Verizon Communications Inc., a publicly held Delaware corporation. The balance is owned by NYNEX Corporation, a Delaware corporation, which is a wholly-owned subsidiary of Verizon Communications Inc. No person or entity owns a ten percent or more equity interest in Verizon Communications, Inc. Verizon offers a variety of facilities-based communications services in Texas, including local exchange service, domestic and international long distance services, and high-speed data service.

On August 25, 2005, the parties entered into an Asset Purchase Agreement to transfer certain telecommunications assets, including copper-loop facilities in the Plum Creek development located in Kyle, Texas, from TWCIS to Verizon. At the time of the transfer of assets, TWCIS states that it will discontinue its circuit-switched telephone service to its customers in Kyle and that these customers will have the option of obtaining voice service from Verizon or from TWCIS's affiliate, Time Warner Cable, which offers VoIP-based "Digital Phone" service.

Applicants state that the proposed transaction is in the public interest, convenience and necessity by increasing the number of competitive facilities-based service offerings available to TWCIS's current circuit-switched telephone customers in Kyle.

#### **GENERAL INFORMATION**

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a non-streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file **comments on or before December 13, 2005 and reply comments on or before December 20, 2005.**<sup>4</sup> Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get

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<sup>4</sup> See 47 C.F.R. § 63.03(a).

filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

**People with Disabilities:** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

**You may submit comments, identified by the above noted docket number, by any of the following methods:**

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

**In addition, one copy of each pleading must be sent to each of the following:**

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, [www.bcpiweb.com](http://www.bcpiweb.com); phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; email: [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- (3) Adam Kirschenbaum, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C211, Washington, D.C. 20554; e-mail: [adam.kirschenbaum@fcc.gov](mailto:adam.kirschenbaum@fcc.gov);
- (4) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544,

Washington, D.C. 20554; email: [susan.o'connell@fcc.gov](mailto:susan.o'connell@fcc.gov); and

- (5) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: [james.bird@fcc.gov](mailto:james.bird@fcc.gov).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail [www.bcpiweb.com](http://www.bcpiweb.com).

For further information, please contact Tracey Wilson-Parker at (202) 418-1394, or Adam Kirschenbaum at (202) 418-7280.

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