



PUBLIC NOTICE

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

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Internet: <http://www.fcc.gov>
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DA 10-1426

Released: July 29, 2010

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF DUKENET COMMUNICATIONS, LLC BY DUKENET OPCO, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 10-139

Comments Due: August 12, 2010

Reply Comments Due: August 19, 2010

On July 9, 2010, DukeNet Communications, LLC (DukeNet) and DukeNet OpCo, LLC (OpCo) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to consummate a proposed transaction whereby the assets and customers of DukeNet will be assigned to OpCo.¹

DukeNet, a Delaware limited liability company, is wholly owned by Duke Energy Services, Inc. (DES), a Delaware corporation that is, in turn, wholly owned by Duke Energy Corp. (Duke Energy). Duke Energy is a Delaware corporation and provider of electric power and natural gas distribution services. Applicants state that no person or entity directly or indirectly owns 10 percent or more of the equity of Duke Energy. DukeNet provides competitive local exchange and interexchange services primarily for carriers and business customers in North Carolina, South Carolina, Georgia, Virginia, Florida, Tennessee, and Alabama.

OpCo, a Delaware limited liability company with no previous operations or assets, is wholly owned by DukeNet Communications Holdings, LLC (HoldCo), a Delaware corporation that is wholly owned by DukeNet VentureCo, Inc. (DukeNet Venture), a Delaware corporation wholly owned by DES. Pursuant to the terms of the proposed transaction, DukeNet will merge with and into OpCo with OpCo as the surviving entity holding all assets and customers previously held by DukeNet and operating under the name DukeNet Communications, LLC. DukeNet Venture will then sell 50 percent of the equity interest in HoldCo to Alinda Telecom Investor I, L.P. (Alinda I) (29.6 percent) and Alinda Telecom Investor II, L.P. (Alinda II) (20.4 percent), both Delaware limited partnerships. Duke Energy will indirectly own the other 50 percent of the equity interests in OpCo. Alinda I's ultimate parent is Alinda Infrastructure Fund II, L.P., and Alinda I's general partner is Alinda Telecom I GP LLC, both Delaware entities. Alinda II's ultimate parent is Alinda Infrastructure Parallel Fund II, L.P., a Cayman Islands limited partnership whose general partner is Alinda Parallel Fund GP II, L.P., a Delaware entity. Alinda II's general partner is Alinda Telecom II GP LLC, a Delaware limited liability company. Applicants further state that Alinda

¹ 47 C.F.R. § 63.03; see 47 U.S.C. § 214. Applicants filed a supplement to their domestic section 214 application on July 29, 2010.

Telecom Cayman LP, a Cayman Islands limited partnership is also affiliated with Alinda II. They state that the Alinda entities do not have any other telecommunications interests.

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 Acquisition of Assets of DukeNet Communications, LLC by DukeNet OpCo, LLC, WC Docket No. 10-139 (filed July 9, 2010).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is acceptable for filing as a 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 section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before August 12, 2010**, and reply comments **on or before August 19, 2010**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.³ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's e-Rulemaking Portal. *See* 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal e-Rulemaking 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 filing instructions, filers should send an e-mail to 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.

In addition, e-mail one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;

² 47 C.F.R. § 63.03(b)(2)(i).

³ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and

5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are 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; e-mail: fcc@bcpiweb.com; url: www.bcpiweb.com.

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For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Jodie May at (202) 418-0913.

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