



PUBLIC NOTICE

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DA 10-2048
Released: October 25, 2010

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF LONG ISLAND FIBER EXCHANGE, INC. AND LIFE VOICE, INC. TO RCN CORPORATION D/B/A SIDERA NETWORKS

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 10-212

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Comments Due: November 8, 2010
Reply Comments Due: November 15, 2010

On October 14, 2010, Long Island Fiber Exchange, Inc. (LIFE), LIFE VOICE, Inc. (LIFE VOICE), and RCN Corporation d/b/a Sidera Networks (Sidera) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer control of LIFE and LIFE VOICE to Sidera.¹

LIFE, a New York corporation and competitive carrier, is authorized to provide interstate telecommunications services in New York. All of the services provided by LIFE are competitive in nature and neither LIFE nor any affiliated company holds a dominant position in any market. LIFE VOICE, a New York Corporation, is a wholly owned subsidiary of LIFE that does not currently provide service.

Sidera, a Delaware corporation, offers facilities-based services to carrier and business customers through its operating subsidiaries including RCN New York Communications, LLC, and NEON Optica, Inc. in the Northeast and Mid-Atlantic United States and in the Chicago metropolitan area. Sidera's operating subsidiaries are authorized to provide telecommunications services in Connecticut, Delaware, District of Columbia, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and Virginia. All of the services provided by Sidera's subsidiaries are competitive in nature and neither Sidera nor any subsidiary company holds a dominant position in any market.

Sidera is wholly owned by Yankee Metro Parent, Inc., a Delaware corporation. Yankee Metro Parent, Inc. is wholly owned by Yankee Metro Partners, LLC, a Delaware limited liability company. Yankee Metro Partners, LLC is majority owned by ABRY Partners VI, L.P., a Delaware limited partnership, and ABRY Senior Equity III, L.P., a Delaware limited partnership. ABRY Partners VI, L.P.

¹ 47 C.F.R § 63.03; see 47 U.S.C. § 214. Applicants also filed an application for transfer of control associated with authorizations for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other pending applications.

holds all voting interest in Yankee Partners, LLC. The sole general partner of ABRY Partners VI, L.P. is ABRY VI Capital Partners, L.P., a Delaware limited partnership. The sole general partner of ABRY VI Capital Partners, L.P. is ABRY VI Capital Investors, LLC, a Delaware limited liability company. The sole owner of ABRY VI Capital Investors, LLC is Royce Yudkoff, a United States citizen. No investor in ABRY Partners VI, L.P. or ABRY Senior Equity III, L.P. holds a ten percent or greater indirect ownership interest in Yankee Metro Parent, Inc., and there are, therefore, no reportable owners of ABRY Partners VI, L.P. or ABRY Senior Equity II, L.P. Royce Yudkoff ultimately controls the general partners of each of ABRY Partners VI, L.P. and ABRY Senior Equity III, L.P. ABRY Partners VI, L.P. and ABRY Senior Equity III, L.P. together have a majority ownership of Yankee Metro Parent, Inc. ABRY Partners VI, L.P. has sole voting rights in Yankee Metro Parent, Inc., and no other investor has a ten percent or greater equity ownership interest in Yankee Metro Parent, Inc.

In addition, ABRY Partners VI, L.P. controls Grande Communications Networks, Inc., which provides telecommunications services in Arkansas, Oklahoma, and Texas. ABRY Partners VI, L.P. does not control any other entity that provides telecommunications services. ABRY Senior Equity III, L.P. does not control any entity that provides telecommunications services.

Sidera and LIFE have entered into a letter of intent for Sidera to acquire control of LIFE and LIFE VOICE through a proposed transaction whereby Sidera NY Acquisition Corporation, a subsidiary of Sidera, will merge with and into LIFE, with LIFE continuing as the surviving entity. As a result, upon consummation of the proposed transaction, LIFE and LIFE VOICE will become wholly owned subsidiaries of Sidera. 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 Long Island Fiber Exchange, Inc., and LIFE VOICE, Inc., to RCN Corporation d/b/a Sidera Networks, WC Docket No. 10-212 (filed Oct. 14 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 November 8, 2010**, and reply comments **on or before November 15, 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.

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.

- 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) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 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.

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 or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Dennis Johnson at (202) 418-0809.

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