



# PUBLIC NOTICE

Federal Communications Commission  
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DA 00-2155

Released: September 22, 2000

**COMMISSION SEEKS COMMENT ON JOINT APPLICATION FOR CONSENT TO  
TRANSFER CONTROL FILED BY ONEPOINT COMMUNICATIONS CORP.  
AND VERIZON COMMUNICATIONS**

**CC Docket No. 00-170**

**Comments/Petitions due: October 23, 2000**

**Responses/Oppositions to Petitions due: October 31, 2000**

On September 5, 2000, OnePoint Communications Corp. (OnePoint), and Verizon Communications (Verizon) filed applications pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, requesting Commission approval of the transfer of control to Verizon of domestic and international authorizations held by OnePoint and its subsidiaries to provide domestic interstate and international telecommunications services as a nondominant carrier. Under the terms of the proposed transaction, Verizon will acquire a controlling interest in OnePoint and its subsidiaries.

OnePoint and Verizon state that the proposed transfer will serve the public interest, convenience, and necessity, by generating substantial benefits for residential consumers who live in apartment buildings. Specifically, OnePoint and Verizon state that the transaction provides funding essential to the preservation and expansion of OnePoint's core business: providing bundled telecommunications, video, and broadband Internet access to residential customers in multiple dwelling units (MDUs). OnePoint and Verizon also contend that their combination will expedite the deployment of advanced services and applications to residents living in MDUs by enabling them to compete with broadband cable providers. Finally, OnePoint and Verizon state that OnePoint's operations will comply with Section 271 of the Communications Act upon consummation of the transaction.

Interested parties may file comments regarding or petitions to deny the application no later than October 23, 2000. Oppositions or responses to these comments and petitions may be filed no later than October 31, 2000. **All filings regarding any aspect of the proposed transfer of control should reference the Common Carrier Bureau docket assigned to this proceeding, CC Docket No. 00-170.**

***EX PARTE STATUS OF THIS PROCEEDING***

Pursuant to 47 C.F.R. § 1.200(a), which permits the Commission to adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires, we announce that this proceeding will be governed by “permit-but-disclose” *ex parte* procedures that are applicable to non-restricted proceedings under 47 C.F.R. § 1.1206.

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in Section 1.206(b) as well. Interested parties are to file with the Commission Secretary, Magalie Roman Salas, 445 12<sup>th</sup> Street, S.W., TW-B204, Washington, D.C. 20554, and serve Janice Myles, Common Carrier Bureau, 445 12<sup>th</sup> Street, S.W., 5-C327, Washington, D.C. 20554; James Bird, Office of General Counsel, 445 12<sup>th</sup> Street, S.W., 8-C818, Washington, D.C. 20554; and International Transcription Service (ITS), 445 12<sup>th</sup> Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800, with copies of any written *ex parte* presentations in this proceeding in the manner specified above. We also require all written *ex parte* presentations or summaries of oral *ex parte* presentations in this proceeding to be served on all parties to the proceeding.

### **TRANSFER OF CONTROL APPLICATIONS**

The applications for transfer of control listed below include domestic and international authorizations. In addition, OnePoint and Verizon have acknowledged that OnePoint has an interest in several pending license applications. Below is a non-exhaustive list of the authorizations and license applications involved in this transaction. Interested parties should refer to the transfer of control applications and the September 21, 2000 letter from Richard P. Kolb, OnePoint, to Magalie Roman Salas, Secretary, Federal Communications Commission, filed in CC Docket No. 00-170, for a complete listing of the authorizations and a description of OnePoint’s pending license applications.

### **STREAMLINED INTERNATIONAL SECTION 214 APPLICATION**

#### **Part 63—International Service (47 C.F.R. § 63.18)**

The international application listed below for consent to transfer control to Verizon international Section 214 authority held by subsidiaries of OnePoint, has been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in Section 63.12 of the Commission’s rules, 47 C.F.R. § 63.12. This application is for authority under Section 214 of the Communications Act, 47 U.S.C. § 214, to transfer control of international Section 214 authority, to the extent specified below. This application can be removed from streamlined processing only at the discretion of Commission staff. The filing of comments or of petitions to deny will not necessarily result in the application being deemed ineligible for streamlined processing.

Streamlined grant of this application is conditioned upon OnePoint and Verizon’s agreement not to close the proposed transfer of control unless and until the Commission grants transfer of the associated domestic Section 214 blanket authorization. Streamlined grant would in no way prejudice the outcome of the pending application for transfer of control of domestic Section 214 authorization in CC Docket No. 00-170.

### **SECTION 214 APPLICATIONS**

| <u>File Number</u>   | <u>Authorization Holders</u>                 | <u>Authorization Numbers</u> |
|--|--|------------------------------|
| ITC-T/C-20000905-000515<br>Request for transfer of control of those portions of two Section 214 authorizations allowing for the resale an unaffiliated U.S. facilities-based carrier's international switched services. Request for nondominant treatment. | OnePoint Communications, LLC (International) | ITC-214-19970418-00216       |
|  | OnePoint Services, LLC (International)       | ITC-214-20000321-00206       |
| None Assigned  | OnePoint Communications Corp. (Domestic)     | None Assigned                |

### **RELATED APPLICATIONS**

OnePoint has acknowledged that it has two pending license applications that may relate to the transfer of control of Section 214 authorizations described in this Public Notice.

The following license is currently held by OnePoint, but is the subject of a September 13, 2000 OnePoint application for consent to assign the license to 21<sup>st</sup> Century Cable TV of Chicago, Inc. OnePoint anticipates that its transaction with 21<sup>st</sup> Century Cable TV of Chicago will be consummated prior to the consummation of the proposed transaction with Verizon.

| <u>File Number</u> | <u>License Applicant</u>      | <u>Call Sign</u> |
|--------------------|-------------------------------|------------------|
| 0000218082         | OnePoint Communications Corp. | WPQS217          |

OnePoint also has a pending license application for the following new station license. OnePoint intends to file an application for consent to assign this license to 21<sup>st</sup> Century Cable TV of Chicago, Inc. after grant of the license by the Commission, which may occur prior to the consummation of the proposed transaction with Verizon.

| <u>File Number</u> | <u>License Applicant</u>      | <u>Call Sign</u> |
|--------------------|-------------------------------|------------------|
| 0000168834         | OnePoint Communications Corp. | New Facilities   |

For more information, interested parties should refer to the September 21, 2000 letter from Richard P. Kolb, OnePoint, to Magalie Roman Salas, Secretary, Federal Communications Commission, filed in CC Docket No. 00-170.

## GENERAL INFORMATION

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. Final action will not be taken on the application earlier than 31 days following the date of this Public Notice. Interested parties may file pleadings as indicated above regarding the applications.

All filings concerning any or all matters in this Public Notice should refer to DA 00-2155. An original and 4 copies of all pleadings, in accordance with Section 1.51(c) of the Commission's rules, 47 C.F.R. § 1.51(c), must be filed with the Commission's Secretary, Magalie Roman Salas, 445 12<sup>th</sup> Street, S.W., TW-B204, Washington, D.C. 20554. In addition, one copy of each pleading must be delivered to each of the following: (1) International Transcription Service, Inc. (ITS), 445 12<sup>th</sup> Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800; (2) Office of Public Affairs, 445 12<sup>th</sup> Street, S.W., Room CY-0314, Washington, D.C. 20554; (3) Janice Myles, Common Carrier Bureau, 445 12<sup>th</sup> Street, S.W., 5-B145, Washington, D.C. 20554; (4) James Bird, Office of General Counsel, 445 12<sup>th</sup> Street, S.W., 8-C818, Washington, D.C. 20554.

In addition to filing paper comments, parties may also file comments using the Commission's Electronic Comment Filing System (ECFS). *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24, 121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, comments must transmit one electronic copy of the comments to each docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties are also encouraged to file a copy of all pleadings on a 3.5 inch diskette in an IBM-compatible format using Microsoft Word 97 for Windows software in "read only" mode. Diskette submissions should be in addition to and not a substitute for, the hard copy filing requirement reviewed above. All diskettes should be clearly labeled with : (1) the party's name; (2) the name of the proceeding and docket number; (3) the type of filing submitted (*e.g.* comments or oppositions); and (4) the date of submission. The diskettes should be accompanied by a cover letter and filed with CeCi Stephens, Policy and Program Planning Division, Common Carrier Bureau, 445 12<sup>th</sup> Street, S.W., 5-C140, Washington, D.C. 20554.

Copies of the application and any subsequently filed documents in this matter may be obtained from International Transcription Service, Inc. (ITS), 445 12<sup>th</sup> Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800. The applications and documents are also available for public inspection and copying during normal reference room hours at the following Commission office: Office of Public Affairs, Reference Operations Division, 445 12<sup>th</sup> Street, S.W., CY-C314, Washington, D.C. 20554.

For further information, contact John Adams, Policy and Program Planning Division, Common Carrier Bureau at (202) 418-0394 or Elizabeth Nightingale, Telecommunications Division, International Bureau at (202) 418-2352.