



PUBLIC NOTICE

Federal Communications Commission
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DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF FIBER TECHNOLOGIES NETWORKS, L.L.C. TO SIDERA NETWORKS, INC.

PLEADING CYCLE ESTABLISHED

WC Docket No. 15-113

Comments Due: June 2, 2015

Reply Comments Due: June 9, 2015

Fibertech Holdings Corp. (Fibertech Holdings) and Sidera Networks, Inc. (Sidera), (together, Applicants) filed an application¹ pursuant to section 214 of the Communications Act of 1934, as amended (Act), seeking approval for the transfer of control of Fiber Technologies Networks, L.L.C. (Fibertech) to Sidera.

Fibertech, a New York limited liability company, is a wholly-owned subsidiary of Fibertech Networks, LLC, which is, in turn, a wholly-owned direct subsidiary of Fibertech Holdings, a Delaware corporation. Fibertech is authorized to provide telecommunications services in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, West Virginia, and Wisconsin. Fibertech Facilities Corp holds a certificate to provide intrastate telecommunications services in New York but does not have any end user or carrier customers other than Fibertech. Fibertech Holdings does not provide telecommunications services and is not affiliated with any other telecommunications carrier other than Fibertech and Fibertech Facilities Corp.

Sidera, a Delaware corporation, is an indirect, wholly owned subsidiary of LTS Group Holdings LLC (LTS Holdings), a Delaware limited liability company. LTS Holdings, through its operating subsidiaries Lighttower Fiber Networks I, LLC (LFN-I) and Lighttower Fiber Networks II, LLC (LFN-II), provides Ethernet, SONET, wavelengths, private network services, Internet access, dark fiber and collocation services to carrier, government and enterprise customers. LFN-II, a wholly-owned subsidiary of Sidera, is authorized to provide intrastate and/or interstate telecommunications in the District of Columbia and the following states: Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, and Virginia. SNI Merger Sub Inc. (SNI Merger Sub), a Delaware corporation, was created for the purposes of consummating the proposed transaction. Sidera is indirectly owned by Berkshire Partners LLC (43.4

¹ 47 C.F.R § 63.03; *see* 47 U.S.C. § 214.

percent equity interest and 68.8 voting interest), a Delaware entity, and HarbourVest Partners, LLC (12.6 percent interest).²

Applicants state that Fibertech Holdings and Sidera have entered into an Agreement and Plan of Merger (Agreement) effective as of April 25, 2015. Pursuant to the Agreement, SNI Merger Sub will merge with and into Fibertech Holdings, with Fibertech Holdings surviving the merger as a wholly-owned subsidiary of Sidera. As a result, Fibertech will become an indirect, wholly-owned subsidiary 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.³

Domestic Section 214 Application Filed for the Transfer of Control of Fibertech Holdings Corp. and Fiber Technologies Networks, LLC by Sidera Networks, Inc., WC Docket No. 15-113 (filed May 8, 2015).

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 June 2, 2015**, and reply comments **on or before June 9, 2015**. Pursuant to section 63.52 of the Commission's rules, 47 C.F.R. § 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 in this proceeding using the Commission's Electronic Comment Filing System (ECFS): <http://apps.fcc.gov/ecfs/>.

In addition, provide one copy of each pleading to each of the following:

- 1) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov or (202) 418-1413 (facsimile);
- 2) Myrva Freeman, Competition Policy Division, Wireline Competition Bureau, myrva.freeman@fcc.gov or (202) 418-1506;
- 3) David Krech, Policy Division, International Bureau, david.krech@fcc.gov or (202) 418-2824 (facsimile);
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

² Applicants state that all of the Managing Directors of Berkshire Partners LLC are U.S. Citizens and all but four of the 25 managing directors and senior advisors of Harbour Vest Partners, LLC are U.S. citizens, with the four non-U.S. citizens holding a 2.4 percent interest in LTS Holdings, post-consummation.

³ 47 C.F.R. 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 C.F.R. § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission’s ex parte rules.

For further information, please contact Myrva Freeman at (202) 418-1506 or Dennis Johnson at (202) 418-0809.

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