



PUBLIC NOTICE

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

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DA 00-2493

Released: November 6, 2000

COMMISSION SEEKS COMMENT ON APPLICATION FOR CONSENT TO TRANSFER CONTROL FILED BY WORLDCOM, INC. AND INTERMEDIA COMMUNICATIONS INC.

CC Docket No. 00-206

Comments/Petitions Due: December 6, 2000

Responses/Oppositions to Petitions Due: December 21, 2000

On October 23, 2000, WorldCom, Inc. (WorldCom), and Intermedia Communications Inc. (Intermedia) filed an application pursuant to sections 214 and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 214, 310(d), requesting Commission approval of the transfer of control to WorldCom of Commission licenses and authorizations held by Intermedia to provide domestic and international telecommunications services pursuant to Parts 21, 63, 90, and 101 of the Commission's rules. Under the terms of the proposed stock-for-stock transaction, Intermedia will become a subsidiary of WorldCom.

WorldCom is a provider of facilities-based local, long distance, international, Internet and Internet-related services. Intermedia provides voice and data communications services (including frame relay), Internet connectivity, private line data, local, long distance, international and systems integration services to approximately 90,000 business and government customers throughout the United States. Intermedia also provides wholesale carrier services and U.S. long distance carriage and local termination and origination services for international telecommunications carriers.

WorldCom and Intermedia state in their application that the proposed transfer will serve the public interest, convenience, and necessity because WorldCom's acquisition of Intermedia's controlling interest in Digex, a leading provider of complex, managed web-hosting services, will greatly improve WorldCom's ability to compete in the provision of such services to business customers. WorldCom and Intermedia also assert that the transfer will benefit competition for telecommunications services that are subject to the Commission's jurisdiction by providing Intermedia access to financing needed for capital expenditures and operating expenses, thus ensuring that Intermedia remains an effective competitor in the provision of local, long distance, and other telecommunications services to business customers.

WorldCom has announced that it intends to sell all, or substantially all, of Intermedia's assets (excluding its Digex shares). However, WorldCom and Intermedia state that regardless of whether, when or how the Intermedia business is sold, the proposed transfer does not raise anticompetitive concerns because Intermedia holds an extremely small share of the domestic long distance market; the local telecommunications assets of the two companies for the most part do not serve the same geographic areas; and the merger will not impair competition in the rapidly growing Internet services industry.

Interested parties may file comments regarding or petitions to deny the application no later than **December 6, 2000**. Oppositions or responses to these comments and petitions may be filed no later than **December 21, 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. 00-206.

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 12th Street, S.W., TW-B204, Washington, D.C. 20554, and serve Janice Myles, Common Carrier Bureau, 445 12th Street, S.W., 5-C327, Washington, D.C. 20554; James Bird, Office of General Counsel, 445 12th Street, S.W., 8-C818, Washington, D.C. 20554; and International Transcription Service (ITS), 445 12th 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 wireless licenses and domestic and international authorizations. Below is a non-exhaustive list of the authorizations and license applications involved in this transaction. Interested parties should refer to the Application for Consent to Transfer Control filed in CC Docket No. 00-206 for a complete listing of Intermedia's licenses and authorizations.

SECTION 310 APPLICATIONS

Part 21 – Multipoint Distribution Service (1 license)

<u>File No.</u>	<u>Call Sign</u>
BTCMD-20001027AAC	KFK28

Part 90 – Private Radio Service (1 license)

<u>File No.</u>	<u>Call Sign</u>
None assigned	WPNT721

Part 101 – Common Carrier Point-to-Point Microwave (191 licenses)

<u>File No.</u>	<u>Lead Call Sign</u>
0000231239	KCK70

SECTION 214 APPLICATIONS

Part 63 – International Section 214 Authorizations (10 authorizations)

Intermedia Communications Inc.

<u>File No.</u>	<u>Granted</u>	<u>Services</u>
ITC-214-19960619-00256 (old File No. ITC-96-344)	8/2/96	Global resale
ITC-214-19960718-00326 (old File No. ITC-96-400)	9/3/96	Global facilities-based
ITC-96-339	8/22/94	International voice, video and data services via PanAmsat
ITC-94-258	6/24/94	Resale of non-interconnected private line services
ITC-91-050	10/8/92	ISR to Canada

Part 63 – International Section 214 Authorizations (continued)

Intermedia Communications Inc.

<u>File No.</u>	<u>Granted</u>	<u>Services</u>
ITC-93-303	12/17/93	Facilities-based service to Canada
ITC-94-015	1/13/94	Fax, data, and IMTS via resold private lines to Canada
ITC-93-041	4/14/93	Video and audio services to Canada

Access Network Services, Inc.

<u>File No.</u>	<u>Granted</u>	<u>Services</u>
ITC-95-400	8/14/95	Resale of public switched services

Long Distance Savers, Inc.

<u>File No.</u>	<u>Released</u>	<u>Services</u>
ITC-88-096	6/6/88	IMTS resale

Part 63 – Blanket Domestic 214 Authorization (1 authorization)

(No file number assigned)

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 00-2493**. 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 12th 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 12th Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800; (2) Office of Public Affairs, 445 12th Street, S.W., Room CY-0314, Washington, D.C. 20554; (3) Janice Myles, Common Carrier Bureau, 445 12th Street, S.W., 5-B145, Washington, D.C. 20554; (4) James Bird, Office of General Counsel, 445 12th Street, S.W., 8-C818, Washington, D.C. 20554; (5) Jamison Prime, Wireless Telecommunications Bureau, 445 12th Street, S.W., 4-A734, 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, 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 12th 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 12th 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 12th Street, S.W., CY-C314, Washington, D.C. 20554.

For further information, contact Henry Thaggert, Policy and Program Planning Division, Common Carrier Bureau at (202) 418-1580.