



PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

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DA 24-1044
Released: October 4, 2024

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE
ACQUISITION OF CERTAIN ASSETS OF BRIGHTSPEED OF VIRGINIA, LLC
BY CENTRAL VIRGINIA SERVICES, INC.**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 24-311

Comments Due: October 18, 2024
Reply Comments Due: October 25, 2024

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Brightspeed of Virginia, LLC (Brightspeed VA) and Central Virginia Services, Inc. (CVSI) (collectively, Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,¹ requesting consent for the transfer of Brightspeed's Rural Digital Opportunity Fund (RDOF) support and related buildout and service obligations associated solely with Census Block Group No. 511139302003 (Transferring CBG) to CVSI.²

Brightspeed VA, a Virginia corporation, is a wholly-owned subsidiary of Connect Holding II d/b/a Brightspeed (Brightspeed).³ Brightspeed VA provides broadband and telecommunications services, primarily as an incumbent local exchange carrier (LEC), but it is not the incumbent LEC in the Transferring CBG.⁴ Brightspeed VA is designated as an Eligible Telecommunications Carrier (ETC) in Virginia and the Commission authorized Brightspeed VA to receive \$12,518,109.10 in RDOF

¹ See 47 U.S.C. § 214(a); 47 CFR §§ 63.03-04.

² See Domestic Section 214 Application for Acquisition of Certain Assets of Brightspeed of Virginia, LLC by Central Virginia Services, Inc., WC Docket No. 24-311 (filed Sept. 24, 2024) (Application). Applicants filed a supplement to the Application on October 3, 2024. Letter from Todd B. Lantor, Counsel to Central Virginia Services, Inc., to Marlen H. Dortch, Secretary, FCC, WC Docket No. 24-311 (filed Oct. 3, 2024) (Supplement). Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

³ Application at 2-3.

⁴ *Id.* at 3.

support in Virginia⁵ of which, Applicants state, \$2,351,220.00 was allocated for an estimated 679 locations in the Transferring CBG, which is entirely in Madison County, Virginia.⁶

CVSI, a Virginia corporation, provides high-speed, fiber-optic internet and interconnected VoIP-based voice services in portions of central Virginia.⁷ Applicants state that CVSI provides gigabit-tier level of broadband and interconnected VoIP-based voice services across its entire broadband service areas.⁸ On June 8, 2021, the Commission released an Order granting designation of CVSI as an ETC⁹ and CVSI was subsequently authorized to receive \$33,958,890.50 in RDOF support in Virginia to provide service to 28,339 locations.¹⁰ CVSI is a wholly-owned subsidiary of Central Virginia Electric Cooperative (CVEC), a rural electric cooperative, which is owned by its members and controlled by its board of directors (all U.S. citizens).¹¹ Applicants state that no individual or entity holds a ten percent or greater interest in CVSI.¹²

Pursuant to the terms of the proposed transaction, Brightspeed VA would transfer the RDOF obligations and the majority of past and future RDOF funding associated with the Transferring CBG to CVSI, who has agreed to accept all future RDOF compliance obligations for the Transferring CBG,

⁵ *Rural Digital Opportunity Fund Support Authorized for 830 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, 37 FCC Rcd 6072, Attach. A at 2-3 (WCB/OEA 2022) (*Ninth Authorization Public Notice*) (authorizing CVSI to receive RDOF support). Applicants explain that Central Telephone Company of Virginia changed its name from Central Telephone Company of Virginia d/b/a CenturyLink after it was acquired from Lumen Technologies, Inc. on October 1, 2022. Application at 3; *see also Lumen Technologies, Inc. and Connect Holding LLC Application for Consent to Transfer Control*, WC Docket No. 21-350, Memorandum Opinion and Order and Declaratory Ruling, 37 FCC Rcd 9523 (WCB, IB, WTB 2022).

⁶ Application at 3-4; Supplement Letter at 1. We note that the Bureau has been directed to adopt revised location obligations no later than the end of program's sixth year using a listing of all qualifying locations within eligible areas. *See Rural Digital Opportunity Fund et al.*, WC Dockets 19-126, 10-90, Order, 35 FCC Rcd 686, 709, para. 45 (2020). The Study Area Code (SAC) currently associated with the Transferring CBG is 190254 (Brightspeed VA), and under the Agreement, the Transferring CBG would be transferred to the study area code associated with CVSI's authorized RDOF support in the same state (SAC 199021). Application at 1. *Rural Digital Opportunity Fund Support Authorized for 1,345 Winning Bids*, AU Docket No. 20-34, WC Docket Nos. 19-126, 10-90, Public Notice, 37 FCC Rcd 4897, Attach. A at 2-6 (AU/WCB 2022) (*RDOF Eighth Authorization*) (authorizing CVSI to receive RDOF support for SAC 199021). The Bureau will confirm the stated support amounts associated with the Transferring CBG prior to the authorization of CVSI to receive the support.

⁷ Application at 4.

⁸ *Id.* at 3-4.

⁹ *Id.* at 5. *Telecommunications Carriers Eligible for Universal Service Support, et al.*, WC Docket Nos. 09-197, 10-90, Order, 33 FCC Rcd 9384 (WCB 2021) (designating CVSI expanded ETC designation in order to become eligible to receive RDOF support). We note that CVSI was previously authorized to receive CAF Phase II support in Virginia. *Telecommunications Carriers Eligible for Universal Service Support, et al.*, WC Docket Nos. 09-197, 10-90, Order, 34 FCC Rcd 1966 (WCB 2019) (designated CVSI as an ETC in order to become eligible to receive CAF Phase II support); *see also Connect America Fund Phase II Auction Support Authorized for 856 Winning Bids*, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, 34 FCC Rcd. 4725, Attach. A at 2-5 (AU/WCB 2019).

¹⁰ *RDOF Eighth Authorization*, 37 FCC Rcd 4897, Attach. A at 2-6.

¹¹ Application at 5; Supplement at 1.

¹² *Id.* at 12.

subject to regulatory approval.¹³ Applicants state that, post-consummation, CVSI will “undertake the deployment of the RDOF-support network and integrate such activities and operations into its own ongoing operations and RDOF deployment.”¹⁴

Applicants assert that the proposed transaction is in the public interest.¹⁵ CVSI contends that, because of the close proximity of the Transferring CGB to CVSI’s broadband service area, CVSI is “well-positioned to complete the required buildout for the provision of RDOF-supported broadband and voice services in advance of the deadlines dictated by the Commission’s RDOF rules.¹⁶ Moreover, Applicants contend that the proposed transaction will not remove a competitor from the marketplace, rather the “transaction will further facilitate the implementation of the Commission’s important RDOF program goals.”¹⁷ Because the proposed transaction is more complex than those accepted for streamlined treatment, and in order to analyze whether the proposed transaction would serve the public interest, we accept the Application for non-streamlined treatment.¹⁸

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Brightspeed of Virginia, LLC by Central Virginia Services, Inc., WC Docket No. 24-311 (filed Sept. 24, 2024).

GENERAL INFORMATION

The application identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission’s rules and policies.

Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**

¹³ Although Brightspeed VA has not deployed any facilities in the Transferring CBG, Applicants state that Brightspeed plans to “retain \$189,431 for RDOF planning costs previously incurred” but will not retain any RDOF support associated with its pre-authorization expenses. *Id.* at 2.

¹⁴ *Id.* at 6. CVSI is contemporaneously filing a petition with the Commission to expand its ETC designation to include the RDOF-funded census blocks in the Transferring CBG which, if granted, will make CVSI eligible to receive RDOF and federal Lifeline support in the Transferring CBG. *Id.* at 5. *See* Petition of Central Virginia Services, Inc. for Expanded Eligible Telecommunications Carrier Designation, WC Docket No. 09-197 (filed Sept. 25, 2024). CVSI commits to offering Lifeline services throughout the Transferring CBG. Application at 5.

¹⁵ Application at 7.

¹⁶ *Id.* at 8.

¹⁷ *Id.* at 9.

¹⁸ 47 CFR §63.03(c)(1)(v).

- Hand-delivered or messenger-delivered paper filings for the Commission’s Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC’s mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

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).

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

- 1) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov; and
- 2) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

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 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the application in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.¹⁹ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission. For further information, please contact Dennis Johnson at (202) 418-0809.

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¹⁹ See 47 CFR § 1.45(c).