



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>

DA 24-1112
Released: October 29, 2024

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF AMERICAN NETWORK, INC. TO VIPER NETWORKS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 24-312

Comments Due: November 12, 2024
Reply Comments Due: November 19, 2024

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by American Network, Inc. (American Network) (Applicant), 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 approval for the transfer of control of American Network from Hammer Fiber Optics Holdings Corp. (Transferor or Hammer) to Viper Networks, Inc. (Transferee or Viper).²

American Network, a Delaware corporation, provides competitive local exchange service in New York City, Stonybrook, Riverhead, Spring Valley, Mount Kisco, Westchester County, and Ossining, New York. American Network, is a wholly-owned subsidiary of 1st Point Communications, LLC (1st Point), a New Jersey limited liability company, that currently provides communications services in the states of Washington, Florida, California, Alabama, New Jersey, and New York. 1st Point is wholly-owned by Hammer, a Nevada publicly-traded holding company, that does not provide any telecommunications services.

Viper, a Nevada publicly-traded corporation, does not currently provide any telecommunications services.³ Following the consummation of the proposed transaction, the following U.S. citizens will hold a 10% or greater interest in Viper: Farid Shouekani (39.58%) and Erik Levitt

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

² Domestic Section 214 Application for the Transfer of Control of American Network, Inc. to Viper Networks, Inc., WC Docket No. 24-312 (filed Sept. 25, 2024) (Application). On September 27, 2024 and October 23, 2024, Applicant filed supplements to their domestic section 214 application. Letter from Sharon Thomas, Consultant to American Network, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 24-312. (filed Sept. 27, 2024); Letter from Sharon Thomas, Consultant to American Network, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 24-312 (filed Oct. 23, 2024).

³ Applicant states that Viper does not provide any telecommunications services directly or through existing subsidiaries.

(22.31%).⁴

Pursuant to the terms of the proposed transaction, Viper will acquire 1st Point from Hammer. American Network will continue to operate as a wholly-owned subsidiary of 1st Point, which, in turn, will be wholly-owned by Viper.

Applicants assert that a grant of the application would serve the public interest, convenience, and necessity.⁵ We accept the Application for streamlined processing under section 63.03(b)(2)(i) of the Commission's rules.⁶

Domestic Section 214 Filed for the Transfer of Control of American Network, Inc. to Viper Networks, Inc., WC Docket No. 24-312 (filed Sept. 25, 2024).

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. Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Pursuant to section 63.52 of the Commission's rules, 47 CFR § 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, interested parties must file comments using the Commission's Electronic Comment Filing System (ECFS): <https://www.fcc.gov/ecfs>.

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) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@fcc.gov @fcc.gov; and
- 3) 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

⁴ Applicant states that no other person or entity will hold a 10% or greater interest in Viper.

⁵ Application at 4-5.

⁶ 47 CFR § 63.03(b)(2)(i).

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.⁷ 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 Gregory Kwan at (202) 418-1191.

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⁷ See 47 CFR § 1.45(c).