

# BINGHAM

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Our file no.: 0000327178

November 7, 2007

Via Courier

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o Natek, Inc.  
236 Massachusetts Avenue, N.E., Suite 110  
Washington, DC 20002

FILED/ACCEPTED

NOV - 7 2007

Federal Communications Commission  
Office of the Secretary  
**RECEIVED**

NOV 16 2007

Policy Division  
International Bureau

Re: **IB File No. ITC-214-20060523-00284**  
**Notice of Name Change of Indiana Fiber Works, LLC (FRN 0014155386)**

Dear Ms. Dortch:

Indiana Fiber Works, LLC ("Licensee"), by its undersigned counsel, and pursuant to section 63.21(i) of the Commission's Rules, 47 C.F.R. § 63.21(i), hereby requests that the Commission update the name associated with Licensee's international Section 214 authority to reflect the name change of Licensee to "Zayo Bandwidth Indiana, LLC." This name change is the last step of the transfer of control of Licensee and to Zayo Bandwidth, Inc. which was approved by the Commission on August 30, 2007 in ITC-T/C-20070725-00295 and which was completed on September 28, 2007.

Licensee is authorized to provide global or limited global facilities-based service and global or limited global resale service pursuant to international Section 214 authority granted in File No. ITC-214-20060523-00284 (June 15, 2006). Licensee respectfully requests that this notification be associated with that file.

An original and six (6) copies of this Notice are enclosed. Kindly date-stamp one copy of this filing and return it in the envelope provided. Should you have any questions, please do not hesitate to contact us.

Respectfully submitted,



Brett P. Ferenchak

Counsel to Licensee

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of

**Indiana Fiber Works LLC**  
(FRN 0014155386)

Application for Global Authority  
Pursuant to Section 214 of the  
Communications Act of 1934, as amended,  
to Operate as an International Facilities-Based  
and Resale Carrier Between the United States  
and Various International Points

File No. ITC-214-\_\_\_\_\_

**APPLICATION**

Indiana Fiber Works LLC (“IFW” or “Applicant”), by its undersigned counsel, hereby requests global facilities-based authority and global resale authority, under Section 214 of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 214, and Section 63.18 of the Commission’s Rules, 47 C.F.R. § 63.18, to provide international telecommunications services between the United States and international points.

**I. THE APPLICANT**

IFW is a limited liability company formed on November 19, 2002 under the laws of the State of New York. IFW is a wholly owned subsidiary of General Electric Capital Corporation.

The Company provides dark fiber access for private networks and customer-operated wholesale and retail telecommunication networks. IFW has no affiliation with any foreign carrier in any of the destination countries for which authority is requested nor is IFW affiliated with any dominant U.S. carrier whose services IFW may resell. Thus, pursuant to Section 63.10 (a)(1) of the Commission’s Rules, 47 C.F.R. § 63.10 (a)(1), IFW should be classified as a non-

dominant carrier in its provision of international service on all routes. Furthermore, as explained herein, this Application is entitled to streamlined processing under Section 63.12 of the Commission's Rules. 47 C.F.R. § 63.12.

## **II. PUBLIC INTEREST CONSIDERATIONS**

IFW believes that the added competition its entry will bring to the market will benefit the consumers of United States-international telecommunications services. These benefits include competitive pricing and increased availability of a variety of innovative service options. Therefore, grant of this Application will further the public interest.

## **III. INFORMATION REQUIRED BY SECTION 63.18**

IFW submits the following information, as required by Section 63.18 of the Commission's Rules, in support of this Application:

- (a) Name, address and telephone number of Applicant:
- Indiana Fiber Works LLC  
141 E. Washington Street, Suite 200  
Indianapolis, IN 42604  
Tel: (317) 524-5711  
Fax: (317) 524-5721
- (b) Applicant is organized under the laws of New York.
- (c) Correspondence concerning this application should be sent to:

Charles A. Rohe  
Danielle C. Burt  
BINGHAM MCCUTCHEEN LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007  
Tel: (202) 424-7500  
Fax: (202) 424-7647  
Email: charles.rohe@bingham.com  
danielle.burt@bingham.com

with a copy to:

Patrick Opelt, Vice President, Business Development

Indiana Fiber Works LLC  
141 E. Washington Street, Suite 200  
Indianapolis, IN 42604  
Tel: (317) 524-5711  
Fax: (317) 524-5721  
Email: [popelt@ifw.com](mailto:popelt@ifw.com)

- (d) IFW does not currently hold any Section 214 authorizations.
- (e) IFW requests global Section 214 authority to operate as a facilities-based and resale international carrier pursuant to Sections 63.18(e)(1) and 63.18(e)(2), respectively, of the Commission's Rules. IFW requests such authorization for all international routes authorized by the Commission.
- (f) IFW seeks Section 214 authorization to provide only the services referenced under paragraph (e) of Section 63.18 of the Commission's Rules.
- (g) IFW will use previously authorized facilities to provide the services requested by the Application. Consequently, IFW is categorically excluded from environmental assessment pursuant to Section 1.1306 of the Commission's Rules. 47 C.F.R. § 1.1306.
- (h) Information regarding the 10% or greater direct or indirect owners of Applicant is as follows.
  - (1) The sole owner of Indiana Fiber Works LLC is:
    - Name: General Electric Capital Corporation
    - Address: 401 Merritt 7  
Norwalk, CT 06851
    - Citizenship: U.S.
    - Interest Held: 100%
    - Principal Business: Financial Services
  - (2) The sole owner of General Electric Capital Corporation is:
    - Name: General Electric Capital Services, Inc.
    - Address: 260 Long Ridge Road  
Stamford, CT 06927
    - Citizenship: U.S.
    - Interest Held: 100%
    - Principal Business: Financial Services
  - (3) The following entity owns or controls 10% or more of General Electric Capital Services, Inc.:

Name: General Electric Company  
Address: P.O. Box 2216  
Schenectady, NY 12301  
Citizenship: U.S.  
Interest Held: 99%  
Principal Business: Holding Company

(4) No entity owns or controls a majority interest in General Electric Company. No other entity owns or controls more than 10% directly or indirectly of Indiana Fiber Works LLC.

Applicant does not have any interlocking directorates with a foreign carrier.

(i) IFW certifies that it is not affiliated with a foreign carrier.

(j) IFW certifies that it does not seek to provide international telecommunications services to any destination country for which any of the following is true:

(1) The Applicant is a foreign carrier in that country; or

(2) The Applicant controls a foreign carrier in that country; or

(3) Any entity that owns more than twenty-five percent (25%) of Applicant, or that controls the Applicant, controls a foreign carrier in that country.

(4) Two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate, more than twenty-five percent (25%) of Applicant and are parties to, or the beneficiaries of, a contractual relation (e.g., a joint venture or market alliance) affecting the provision or marketing of international basic telecommunications services in the United States.

(k) Not applicable.

(l) Not applicable. Applicant does not propose to resell the international switched services of an unaffiliated U.S. carrier for the purpose of providing international telecommunications services to a country where it is a foreign carrier or is affiliated with a foreign carrier.

(m) Not applicable.


(n) IFW certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier where the foreign carrier possesses market power on the foreign end of the route and IFW will not enter into such agreements in the future.

- (o) IFW certifies, pursuant to Sections 1.2001 through 1.2003 of the Commission's Rules implementing the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862), it is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) IFW respectfully requests streamlined processing of this Application pursuant to Section 63.12 of the Commission's Rules. 47 C.F.R. § 63.12. This Application qualifies for streamlined processing for the following reasons: (1) IFW is not affiliated with a foreign carrier on any route for which authority is sought; (2) IFW is not affiliated with any dominant U.S. carrier whose international switched or private lines services it seeks to resell; and (3) IFW is not requesting authority to provide switched service over private lines to countries not previously authorized for service by the Commission.

#### IV. CONCLUSION

For the reasons stated above, Indiana Fiber Works LLC respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Application.

Respectfully submitted,



Charles A. Rohe  
Danielle C. Burt  
BINGHAM McCUTCHEM LLP  
3000 K Street, N.W., Suite 300  
Washington, DC 20007  
Tel: (202) 424-7500  
Fax: (202) 424-7647  
Email: charles.rohe@bingham.com  
danielle.burt@bingham.com

Its Counsel

Dated: May 23, 2006

CERTIFICATION OF APPLICANT

The undersigned hereby certifies, on behalf of Indiana Fiber Works LLC ("IFW") with respect to the foregoing application for section 214 authority to provide international services, that:

1. IFW is not affiliated with any foreign carrier in any of the countries to which IFW proposes to provide service in the foregoing application.
2. IFW will comply with the terms and conditions contained in Section 63.21, 63.22 and 63.23 of the Commission's Rules. 47 C.F.R. 63.21-.23
3. IFW does not seek to provide international telecommunications service to any destination where: (1) IFW is a foreign carrier in that country; (2) IFW controls a foreign carrier in that country; (3) any entity that owns more than a 25% interest in IFW, or controls IFW, controls a foreign carrier in that country; or (4) two or more parties own, in the aggregate, more than 25% of IFW and are parties to, or the beneficiaries of, a contractual relationship that affects that provision or marketing of international basic telecommunications services in the United States.
4. IFW has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.
5. IFW is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
6. The contents of the Application are true and correct to the best of my knowledge, information, and belief.

Indiana Fiber Works, LLC

By: \_\_\_\_\_

Name: Patrick Opelt  
Title: Vice President, Business Development  
Date: Nov 22, 2006