Prior notification of a concentration

(Case M.9946 – MSI/Altice/Lightpath)

Candidate case for simplified procedure

(Text with EEA relevance)

(2020/C 321/06)

1. On 22 September 2020, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]).

This notification concerns the following undertakings:

— Morgan Stanley Infrastructure Inc. ('MSI', USA),

— Altice USA, Inc. ('Altice', USA),

— Lightpath Holdings, LLC ('Lightpath', USA).

MSI and Altice will acquire joint control within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation over the whole of Lightpath. Altice currently enjoys sole control over Lightpath.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for MSI: MSI is an indirectly wholly-owned subsidiary of Morgan Stanley. Morgan Standley offers financial services firm providing a wide range of investment banking, securities, wealth management and investment management services,

— for Altice: Altice provides broadband, video, mobile, proprietary content and advertising services as well as hyper-local, national, international and business news to more than 4,9 million residential and business customers across 21 states in the USA,

— for Lightpath: Lightpath provides advanced fibre, Ethernet, data transport, IP-based virtual private networks, Internet access, Managed Services, telephony services, including session-initiated protocol trunking, and VoIP services to the business market in the New York metropolitan area in the USA.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 ([2]) it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.9946 – MSI/Altice/Lightpath

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

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Fax+32 22964301

Postal address:

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([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').
([2]) OJ C 366, 14.12.2013, p. 5.