



PUBLIC NOTICE

Federal Communications Commission
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DA 03-3044
Released: October 3, 2003

**DOMESTIC SECTION 214 APPLICATION FILED FOR ACQUISITION OF ASSETS OF
GLYPHICS COMMUNICATIONS, INC. BY BUYERS UNITED, INC., D/B/A
BUYERSONLINE, D/B/A UNITED CARRIER NETWORKS**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 03-212

On July 21, 2003, Glyphics Communications, Inc. (Glyphics), a holder of section 214 authority, and Buyers United, Inc., d/b/a buyersonline, d/b/a United Carrier Networks (Buyers) (together with Glyphics, the Applicants), filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,¹ to enable Buyers to acquire the long distance customer base of Glyphics.

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(i) of the Commission's rules because Buyers would have a market share in the interstate, interexchange market of substantially less than 10 percent and neither Applicant is dominant with respect to any service.

Glyphics is organized under the laws of the State of Utah. Glyphics currently provides switched long distance services to customers throughout the continental U.S. Buyers is organized under the laws of the State of Delaware. Buyers provides nationwide long distance service. Theodore Stern (10.4 percent) is the only person or entity that owns 10 percent or more of the equity in Buyers.

Buyers and Glyphics have entered into an Assets Purchase Agreement, wherein Glyphics agreed to sell, and Buyers agreed to acquire, all of Glyphics' long distance customers. As a result of the proposed transaction, Buyers will become the underlying carrier providing telecommunications services to the transferred customer base. Applicants note that the proposed customer base transfer is subject to certain state required notifications and/or approvals. After closing of the transaction, United Carrier Networks, a division of Buyers, will be identified on

¹ 47 C.F.R §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

customer bills as the underlying provider of telecommunications services for those customers whose accounts are transferred.

Applicants assert that the proposed transaction will serve the public interest by avoiding any interruption of service and inconvenience to affected Glyphics customers. Applicants state that the proposed transaction will ensure that Glyphics' customers continue to enjoy long distance services backed by the support services of Buyers. Given that Buyers will provide these services at the same rates and terms and condition of service that these customers currently receive from Glyphics, Applicants argue that the transaction will be transparent to customers in terms of the services they receive. Moreover, the Applicants state that they have provided written notice of the proposed transaction to assure that affected Glyphics customers will understand how the proposed change in service provider will affect them.

GENERAL INFORMATION

The acquisition of assets 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 acquisition of assets 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 within 14 days** and **reply comments within 21 days** of this notice.² Unless otherwise notified by the Commission, Applicants are permitted to transfer assets on the 31st day after the date of this notice.³ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (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, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

² See 47 C.F.R. § 63.03(a).

³ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893;
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: twilson@fcc.gov;
- (3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 6-A461, Washington, D.C. 20554; e-mail: dennis.johnson@fcc.gov;
- (4) Julie Veach, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C124, Washington, D.C. 20554; e-mail: julie.veach@fcc.gov;
- (5) Christopher Killion, Office of General Counsel, 445 12th Street, S.W., Room 8-C740, Washington, D.C. 20554; e-mail: ckillion@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

For further information, please contact Tracey Wilson, at (202) 418-1394, or Dennis Johnson at (202) 418-0809.

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