



PUBLIC NOTICE

Federal Communications Commission
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DA 04-3224
Released: October 8, 2004

DOMESTIC SECTION 214 APPLICATION FILED FOR ACQUISITION OF ASSETS OF PROMISEVISION TECHNOLOGY, INC. BY UNITED AMERICAN TECHNOLOGY, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 04-385

Comments Due: October 22, 2004

Reply Comments Due: October 29, 2004

On September 21, 2004, United American Technology, Inc. (“UAT” or “Transferee”) and PromiseVision Technology, Inc. (“PromiseVision” or “Transferor”) (together “Applicants”), filed an application, pursuant to sections 63.03 and 63.04 of the Commission’s rules,¹ requesting approval to enable UAT to acquire the interstate, interexchange (hereafter, long distance) customer base of PromiseVision.

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(i) of the Commission’s rules² because, immediately following the proposed transactions, (1) Applicants and their affiliates combined will hold less than a ten percent (10%) share of the interstate, interexchange market; (2) the transferee would provide competitive telephone exchange services or exchange access services exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the transaction; and (3) neither of the Applicants or their Affiliates is dominant with respect to any service.³

UAT is an Oklahoma-based reseller of long distance services. UAT is authorized to provide long distance services in the following states: AL, AZ, CA, CO, DE, FL, GA, IL, IN, KS, KY, MD, MI, MT, NV, NH, NJ, NY, OH, OR, PA, SC, SD, UT, VA, WA, WV, and WI.

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

² 47 CFR § 63.03(b)(2)(i).

³ *See* Letter from Johnathan Marshlian, counsel, UAT, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 04-385, at 2 (filed October 6, 2004).

The 10% or greater owners of UAT include John Bachman Trust, 33%; Tom Anderson Trust, 33%, and Wiletta Thompson Trust, 33%. There are no other 10% or greater owners of UAT.

PromiseVision is also an Oklahoma-based reseller of long distance services and is authorized to provide long distance services throughout the continental U.S.

UAT and PromiseVision entered into an Asset Purchase Agreement wherein PromiseVision agreed to sell and UAT agreed to acquire PromiseVision's long distance customer base. As a result of the transaction, UAT will become the long distance service provider of the transferred customer base. The proposed customer base transfer is subject to certain state required notifications and/or approvals. In states where UAT has not yet secured authorization to provide long distance, it will service transferred customers pursuant to a pre-existing transitional Management Agreement with PromiseVision upon consummation of the APA.

The Applicants assert that granting this application is in the public interest because there will be no interruption of service or inconvenience to affected PromiseVision customers. Applicants state that the proposed transaction will ensure that PromiseVision's customers continue to enjoy long distance services backed by the support services of UAT, a growing and highly competitive carrier. Applicants also state that, given that UAT will provide these services at the same rates and terms and conditions of service that these customers currently receive from PromiseVision, the transaction will be transparent to assure that affected PromiseVision customers will understand how the proposed change in service providers will affect them. Moreover, according to the Applicants, PromiseVision customers will not incur any charges to effectuate the change in preferred carriers. The Applicants assert that the only change transferred customers will visibly notice is the name "United American Technology" replacing "PromiseVision" on their invoices. The Applicants state they have sent written notice to affected PromiseVision customers informing them of the proposed transaction and service to these customers will not be transferred until the requisite approval has been obtained.

GENERAL INFORMATION

The transfer of control 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 transfer of control 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 on or before October 22, 2004** and **reply comments on or before October 29, 2004.**⁴ Unless otherwise notified by the Commission, Applicants are permitted to transfer control on the 31st day after the date of this notice.⁵ Comments may be filed using the

⁴ See 47 C.F.R. § 63.03(a).

⁵ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

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. 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, Natek, 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:

the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: www.bcpweb.com; phone: 202-488-5300 fax: 202-488-5563;

- (1) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: tracey.wilson-parker@fcc.gov;
- (2) Kimberly Jackson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 3-C403, Washington, D.C. 20554; e-mail: kimberly.jackson@fcc.gov;
- (3) Terri Natoli, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C234, Washington, D.C. 20554; e-mail: terri.natoli@fcc.gov;

(4) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: james.bird@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, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone: 202-488-5300, fax: 202-488-5563, or via e-mail www.bcpweb.com.

For further information, please contact Tracey Wilson at (202) 418-1394, or Kimberly Jackson at (202) 418-7393.

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