



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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DA 04-3470
Released: October 28, 2004

**DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL
OF CERTAIN ASSETS OF TELIGENT, INC. TO STARTEC GLOBAL OPERATING
COMPANY AND STARTEC GLOBAL LICENSING COMPANY**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 04-384

Comments Due: November 12, 2004

Reply Comments Due: November 18, 2004

On September 20, 2004, Teligent, Inc. ("Teligent"), Startec Global Operating Company ("Startec Operating"), and Startec Global Licensing Company ("Startec Licensing") (collectively, the Applicants) filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,¹ requesting approval to transfer control of certain assets of Teligent to Startec Operating and Startec Licensing.²

Applicants assert that this transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules³ because following the transfer of assets: (1) Startec Licensing and its affiliates' market share in the interstate interexchange market will be less than 10 percent; (2) to the extent Startec Licensing and any of its affiliates provide competitive telephone exchange services or exchange access services, they will do so exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the transaction; and (3) none of the Applicants is dominant with respect to any service.

¹ 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214. The Applicants also filed a supplement on October 19, 2004. *See* Letter from Catherine Wang, Counsel to Teligent, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-384 (filed Oct. 19, 2002).

² Applicants are also filing an application for consent to transfer control of Teligent's international assets to Startec Operating. Any action on this domestic 214 application is without prejudice to Commission action on other related pending applications.

³ 47 C.F.R. § 63.03(b)(2)(i).

Teligent, a Delaware corporation, is a nationwide provider of fixed wireless broadband services offering business customers facilities-based fixed wireless services, including wholesale transport, private line, dedicated Internet access, and long distance. Startec Operating and Startec Licensing are facilities-based providers of communications services, including voice, data and Internet access. Startec Licensing offers domestic long distance services to residential customers nationwide with its Dial-1 and 10-10-719 dial-around services. However, Startec Licensing's domestic long distance customers tend to be concentrated in major metropolitan areas on the east and west coasts of the United States.⁴

Startec Operating and Startec Licensing, both Delaware corporations, are wholly owned subsidiaries of Startec Global Communications Corporation ("Startec Parent"). Startec Parent is 68.5% owned by Allied Capital Corporation ("Allied"), a publicly traded company, 24% owned by NTFC Capital Corporation ("NTFC"), a commercial lending company, and the remaining equity is held by various other bankruptcy creditors. NTFC is, in turn, a wholly owned subsidiary of General Electric Capital Corporation ("GECC"), a Delaware corporation whose principal business is financial services. GECC is a wholly owned subsidiary of General Electric Capital Services Inc. ("GECS"), an intermediate holding company. GECS is, in turn, a wholly owned subsidiary of the General Electric Company ("GE"), a New York publicly traded corporation that provides a broad spectrum of financial services, and through various subsidiaries owns certain television broadcast licenses, including the NBC television network.⁵

The Applicants have entered into an agreement whereby Startec Operating will acquire Teligent's international long distance customer base while Startec Licensing will acquire Teligent's domestic customer base, including associated customer account information. The Applicants add that the transaction does not involve the transfer of any network facilities or telecommunications equipment.

⁴ The Applicants add that Startec Licensing is affiliated with Guam Cable Group, Inc., which provides service as a carriers' carrier in Guam and the Commonwealth of the Northern Marianas Islands through a combination of owned and leased telecommunications transmission facilities.

⁵ The Applicants also identified three domestic common carriers affiliates. First, VFS Financing, Inc. ("VFS"), an indirect wholly owned subsidiary of GE, received FCC approval to acquire 100% of the equity of Advanced TelCom, Inc. ("ATG"). ATG provides residential and business interstate and intrastate long distance and local telephone service as a non-dominant carrier, as well as Internet and high-speed data service, in California, Nevada, Oregon, and Washington. Second, VFS also received FCC approval to acquire Shared Communications Services, Inc. ("SCS"). SCS provides interexchange and local telecommunications service as a non-dominant carrier in Nevada, Oregon, and Washington, and is a reseller of interexchange telecommunications services to customers in over twenty states. Third, GE Business Productivity Solutions, Inc. ("GEBPS"), a wholly owned subsidiary of GECC, provides authorized resold long distance telecommunications services as a non-dominant carrier to business and residential customers in every state except Alaska. The Applicants note that GEBPS also provides competitive local services in Massachusetts and Connecticut.

The Applicants contend that the proposed transfer of control will serve the public interest by enhancing competitive choices for telecommunications consumers. Specifically, by accelerating Startec Licensing's ability offer a broad range of diversified domestic products and services, the asset transfer will enable Startec Licensing to strengthen its competitive position. Applicants further maintain that these enhancements will, in turn, ultimately ensure benefits to the consumers by promoting innovation and competition among providers in the domestic and international telecommunications market. After the transfer, the Applicants state that customers will continue to receive services, which will be consistent with the quality of services currently provided by Teligent.

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 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 November 12, 2004** and **reply comments on or before November 18, 2004**.⁶ Unless otherwise notified by the Commission, Applicants are permitted to transfer control on the 31st day after the date of this notice.⁷ 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. 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

⁶ See 47 C.F.R. § 63.03(a).

⁷ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

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: tracey.wilson-parker@fcc.gov;
- (3) Denise Coca, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 6-A461, Washington, D.C. 20554; e-mail: denise.coca@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) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov; and
- (6) Christopher Killion, Office of General Counsel, 445 12th Street, S.W., Room 8-C740, Washington, D.C. 20554; e-mail: chris.killion@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 Denise Coca at (202) 418-0574.

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