



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 04-3945
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NOTICE OF REMOVAL OF DOMESTIC SECTION 214 APPLICATION FROM STREAMLINED TREATMENT

WC Docket No. 04-418

The application listed in this notice has been removed from streamlined treatment pursuant to the Commission's streamlined procedures for domestic section 214 transfer of control applications.¹ Section 63.03(c)(5) of the Commission's rules provides that at any time after an application is filed, the Commission, acting through the Chief of the Wireline Competition Bureau, may notify an applicant that its application is being removed from streamlined processing, where the Commission "determines that the application requires further analysis to determine whether a proposed transfer of control would serve the public interest."²

Domestic Section 214 Application Filed for Transfer of Control of Cypress Communications Operating Company, Inc., WC Docket No. 04-418, DA 04-3667 (rel. Nov. 19, 2004).

On November 19, 2004, the Commission released a public notice accepting for streamlined processing a domestic section 214 application involving the transfer of control of Cypress Communications Operating Company, Inc. to TechInvest Holding Company, Inc. (collectively, the "Applicants").³ On December 3, 2004, the United States Department of Homeland Security ("DHS"), on behalf of itself, the United States Department of Justice ("DOJ"), and the Federal Bureau of Investigation ("FBI") (collectively, the "Agencies"), filed with the Commission a petition to defer grant of this application until the Agencies and the Applicants notify the Commission that they have addressed potential national security, law enforcement, and public safety issues.⁴

¹ 47 C.F.R. § 63.03; *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, 17 FCC Rcd 5517 (2002) (*Streamlining Order*).

² See 47 C.F.R. § 63.03(c)(1)(v).

³ *Domestic Section 214 Application Filed for Transfer of Control of Cypress Communications Operating Company, Inc.*, WC 04-418, Public Notice, DA 04-3667 (rel. Nov. 19, 2004).

⁴ See Cypress Communications Operating Company, Inc. Application for Consent to Transfer of a Company Holding International Authorizations and a Blanket Domestic Authorization Pursuant to Section 214 of

This application is being removed from streamlined review because the Agencies will not have completed their evaluation before the date that this application would be deemed granted under the Commission's streamlining rules.⁵ Final action on this application should be expected once the Commission has received notification from the Agencies and Applicants that the evaluation has been completed, but in no event later than 180 days from public notice that the application was accepted for filing.⁶

For further information, please contact Tracey Wilson, at (202) 418-1394 or Bill Dever, Competition Policy, Wireline Competition Bureau at (202) 418-1578.

the Communications Act of 1934, as Amended, WC Docket No. 04-418, Petition to Defer (filed Dec. 3, 2004) (Cypress Petition to Defer).

⁵ The Agencies are evaluating whether the proposed transaction could impair the ability of federal, state and local governments to effectively: (1) satisfy U.S. National Security Emergency Preparedness and U.S. infrastructure protection requirements; (2) conduct secure and lawfully-authorized electronic surveillance of domestic U.S. calls or calls that originate or terminate in the United States; or (3) prevent and detect foreign-based or other illegal electronic surveillance within the United States, which might jeopardize the security of the United States or privacy of U.S. telecommunications. *See* Cypress Petition to Defer at 2.

⁶ *See* 47 C.F.R. § 63.03(c)(2).