



PUBLIC NOTICE

Federal Communications Commission
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DA 05-1049
Released: April 8, 2005

DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL AND ACQUISITION OF ASSETS OF RCC ATLANTIC LONG DISTANCE, INC., BY NATIONAL MOBILE COMMUNICATIONS CORPORATION

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 05-167

Comments Due: April 22, 2005

Reply Comments Due: April 29, 2005

On March 29, 2005, RCC Atlantic Long Distance, Inc. d/b/a Unicel Long Distance (“RCC-LD) and National Mobile Communications Corporation d/b/a SoVerNet Communications (“NMC”) (collectively the “Applicants”), pursuant to sections 63.03 and 63.04 of the Commission’s rules,¹ filed an application requesting authority to transfer control to NMC of authorizations held by RCC-LD under Section 214 of the Communications Act, to provide resold telecommunications services to domestic points on a nondominant basis. This transfer is in relation to operations of RCC-LD in the State of Vermont.²

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 immediately following the transactions, (1) Applicants and their affiliates (as defined in Section 3(1) of the Communications Act – “Affiliates”) combined will hold less than a ten percent (10%) share of the interstate, interexchange market; (2) Applicants and their Affiliates will provide local exchange service only in areas served by dominant local exchange carriers (none of which is a party to the proposed transactions) and; (3) None of the Applicants or their Affiliates is dominant with respect to any service.³

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

² Applicants are also filing applications for transfer of control associated with authorization for international services. 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).

RCC-LD resells intrastate, interstate and international long distance toll services to households and businesses located in Vermont and New Hampshire. RCC-LCD is a corporation organized under the laws of Minnesota. RCC-LD also operates as a reseller of domestic telecommunications services in the State of New Hampshire, but such operations are not included in the transfer proposed in this application. As such, RCC-LCD must retain section 214 authorization for any domestic resale operations that may be ongoing when the proposed sale to NMC is completed.

NMC is experienced in the provision of telecommunications services and is authorized by the Vermont Public Service Board to provide facilities-based and resold telecommunications services in Vermont. NMC is a corporation organized under the laws of Massachusetts. NMC is 100% owned by SoVerNet, Inc., whose principal business is telecommunications. SoVerNet, Inc. is organized under the laws of Vermont. Those individuals that currently own or control more than a 10% interest in SoVerNet, Inc. are: Thomas Lyons (30%); Jay Eshelman (16.5%); JB Elliot (15%); and Erik Leo, (27.5%). These individuals are U.S. Citizens.

RCC-LD has entered into an agreement to sell to NMC assets relating to RCC-LD's long distance resale business in the State of Vermont. The sale will include RCC-LD's customer accounts in Vermont. Upon completion of the proposed transaction, RCC-LD will no longer operate as a reseller of domestic telecommunications services in the state. RCC-LD relies on "blanket" section 214 authorization for domestic resale operations. NMC anticipates no interruption of services to the public as the result of the proposed transaction, and the customers of RCC-LD have been notified of such transaction.⁴ NMC indicates it will become the provider of domestic interexchange services for all customers who do not exercise their right to change carriers pursuant to section 64.1120 of the Commission's rules.

The Applicants state that the proposed transaction will serve the public interest. NMC asserts that it is experienced in the provision of telecommunications services and is authorized by the Vermont Public Service Board to provide facilities-based and resold telecommunications services in Vermont. Upon completion of the proposed transaction, NMC will provide the same high quality telecommunications services that RCC-LD currently offers. Furthermore, the Applicants assert the proposed transaction presents no potential to harm the public interest, and that it does not impair competition in any local exchange or long distance toll market. NMC does not plan to change the rates and services offered by RCC-LD.

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

⁴ In accordance with Section 64.1120(e)(3) of the Commission's Rules, NMC has notified Vermont customers of the proposed change in ownership and transfer of their customer accounts to NMC.

and not in conformance with the Commission's rules and policies. Interested parties may file **comments on or before April 22, 2005** and **reply comments on or before April 29, 2005**.⁵ Unless otherwise notified by the Commission, Applicants are permitted to transfer the assets and related control on the 31st day after the date of this notice.⁶ 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 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, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;

⁵ See 47 C.F.R. § 63.03(a).

⁶ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

- (2) Tracey Wilson-Parker Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C212, Washington, D.C. 20554; e-mail: tracey.wilson-parker@fcc.gov;
- (3) Erin Boone, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-, Washington, D.C. 20554; e-mail: erin.boone@fcc.gov
- (4) Terri B. 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;
- (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) 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-Parker, at (202) 418-1394, or Erin Boone at (202) 418-0064.

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