



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
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**DA 05-1501**  
**Released: May 24, 2005**

## **DOMESTIC SECTION 214 APPLICATION FILED FOR ACQUISITION OF ASSETS OF CORECOMM NEW YORK, INC., TO MANHATTAN TELECOMMUNICATIONS CORPORATION D/B/A METROPOLITAN COMMUNICATIONS**

### **STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 05-189**

**Comments Due: June 7, 2005**

**Reply Comments Due: June 14, 2005**

On May 10, 2005, ATX Licensing, Inc. (“ATX”) and Manhattan Telecommunications Corporation d/b/a Metropolitan Communications (“MetTel”) (collectively, “Original Filers”) filed an application, pursuant to section 63.04 of the Commission’s rules,<sup>1</sup> requesting authority for ATX to transfer to MetTel certain of its New York customers and associated customer account information.<sup>2</sup> On May 19, 2005, the Original Filers amended their application to substitute CoreComm New York, Inc. (“CC-NY”) as the proper transferor for the proposed transaction.<sup>3</sup> Therefore, CC-NY and MetTel (collectively, “Applicants”) are requesting authority to transfer to MetTel certain of CC-NY’s New York customers and associated account information.

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: (1) MetTel will hold less than a ten percent (10%) share of the interstate, interexchange market; (2) MetTel will provide local exchange service only in areas served by a dominant local exchange carrier, none of which

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<sup>1</sup> 47 C.F.R § 63.04; *see* 47 U.S.C. § 214.

<sup>2</sup> 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.

<sup>3</sup> *Second Amendment to Application of ATX Licensing, Inc. for Section 214 Authority to Transfer Control of Domestic and International Authorizations*, WC Docket No. 05-189 (filed May 19, 2005).

are parties to the proposed transactions; and (3) none of the Applicants are dominant with respect to any service.<sup>4</sup>

CC-NY, a Delaware corporation, provides local exchange and domestic interstate and international long distance services to customers in New York and throughout the Mid-Atlantic and Great Lakes regions of the United States. CC-NY is an indirect, wholly-owned subsidiary of ATX Communications, Inc.

MetTel, a Delaware company, offers local exchange and domestic interstate and international long distance services in New York and 15 other geographic markets.<sup>5</sup> MetTel is wholly-owned by Metropolitan Telecommunications Holding Company, a U.S. company. The following persons or entities own a 10% or greater direct interest in Metropolitan Telecommunications Holding Company: Marshall Aronow, a U.S. citizen (28%); David Aronow, a U.S. citizen (27%); Joseph Aronow Trust U/A 4/13/99, a U.S. entity (13.5%); and Deborah Aronow Trust U/A 4/13/99, a U.S. entity (13.5%). No other person or entity holds a 10% or greater indirect ownership interest in MetTel.

The Applicants request Commission approval for CC-NY to transfer to MetTel certain of its New York customers and associated customer account information. CC-NY is obligated to transfer these customers pursuant to a comprehensive settlement agreement reached with Verizon resolving outstanding litigation with that carrier. The Verizon settlement agreement is a central element of the plan of reorganization pursuant to which ATX Communications, Inc. and its subsidiaries, including CC-NY, emerged from bankruptcy on April 27, 2005.

Applicants assert that the proposed transfer of control is in the public interest by promoting competition among telecommunications carriers. Specifically, approval of the proposed asset transfer will enable MetTel to strengthen its competitive presence in New York. These enhancements will inure directly to the benefit of affected New York customers of CC-NY, as well as indirectly to consumers generally in the telecommunications marketplace.

## **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 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 June 7, 2005** and **reply comments on or before June 14, 2005**.<sup>6</sup> Unless otherwise

<sup>4</sup> 47 C.F.R. § 63.03(b)(2)(i). The Applicants filed an amendment to their application on May 13, 2005 with regard to their qualifications for streamlined treatment.

<sup>5</sup> The 15 geographic markets are Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Texas, Vermont, and Virginia.

<sup>6</sup> See 47 C.F.R. § 63.03(a).

notified by the Commission, this application will be deemed granted on the 31<sup>st</sup> day after the date of this notice.<sup>7</sup> 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](mailto: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 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: [www.bcpweb.com](http://www.bcpweb.com); phone: 202-488-5300 fax: 202-488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);

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

- (3) Adam Kirschenbaum, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C211, Washington, D.C. 20554; e-mail: [adam.kirschenbaum@fcc.gov](mailto:adam.kirschenbaum@fcc.gov);
- (4) Renee R. Crittendon, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C311, Washington, D.C. 20554; e-mail: [renee.crittendon@fcc.gov](mailto:renee.crittendon@fcc.gov);
- (5) Susan O'Connell, Policy Division, International Bureau, 445 12<sup>th</sup> Street, S.W., Room 7-B544, Washington, D.C. 20554; email: [susan.o'connell@fcc.gov](mailto:susan.o'connell@fcc.gov); and
- (6) James Bird, Office of General Counsel, 445 12<sup>th</sup> Street, S.W., Room 8-C740, Washington, D.C. 20554; e-mail: [james.bird@fcc.gov](mailto: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, S.W., Room CY-A257, Washington, D.C., 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C., 20554, telephone: 202-488-5300, fax: 202-488-5563, or via e-mail [www.bcpweb.com](http://www.bcpweb.com).

For further information, please contact Tracey Wilson-Parker, at (202) 418-1394, or Adam Kirschenbaum at (202) 418-7280.

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