



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 05-1795
Released: June 27, 2005

NOTICE OF STREAMLINED DOMESTIC 214 APPLICATION GRANTED

WC Docket No. 05-198

On May 25, 2005, the Wireline Competition Bureau issued a public notice seeking comment on the acquisition of assets of Transtel Communications, Inc. (Transtel), Tel America of Salt Lake City, Inc. (Tel America), Extelcom, Inc., (d/b/a Express Tel), by UCN, Inc. (UCN) (collectively “Applicants”).¹ This application has been granted pursuant to the Commission’s streamlined procedures for domestic section 214 transfer of control applications.² The Wireline Competition Bureau has determined that grant of this application serves the public interest.³

The Commission received one comment in opposition to the proposed transfer of control from APCC Services, Inc. (APCC), requesting that the section 214 application be denied, or at least pulled from streamlining for further review by the Commission.⁴ APCC filed an informal complaint with the Commission on December 20, 2004 under the *Payphone Compensation True-Up Order*,⁵ regarding an alleged debt owed by Tel America to certain payphone providers represented by APCC.⁶ APCC argues that if the instant section 214 application is granted, its

¹ Domestic Section 214 Application Filed For Acquisition of Assets of Transtel Communications, Inc., Tel America of Salt Lake City, Inc., Extelcom, Inc., to UCN, Inc., WC Docket No. 05-198, DA 05-1509 (rel. May 25, 2005).

² 47 C.F.R. § 63.03.

³ *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, CC Docket No. 01-150, Report and Order, 17 FCC Rcd 5517, 5529, para. 22 (2002).

⁴ See APCC Comments at 1.

⁵ *Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, Fifth Order on Reconsideration and Order on Remand, 17 FCC Rcd 21274 (2002) (“*Payphone Compensation True-Up Order*”).

⁶ See *Re: Informal Complaint filed by APCC Services, Inc., et. al. Against Tel America of Salt Lake City, Inc.* (filed Dec 30, 2004). APCC Comments, Exhibit 1 at 1.

member's ability to collect a \$500,000 debt it claims is owed to its members by Tel America may be hindered.⁷ APCC argues that Tel America is in violation of the Commission's rules by not paying the compensation.⁸ Secondly, APCC argues, "there is a significant likelihood that the transferors would use the instant transaction to attempt to evade payment of Tel America's compensation obligations" because "it appears that Transtel, Tel America and Express Tel intend to exit the common carrier industry."⁹ APCC further states that "once the transaction is concluded, these entities may argue that they are no longer common carriers and are therefore no longer subject to the Commission's jurisdiction and cannot be subject to actions to collect unpaid compensation pursuant to Sections 206-208 of the Communications Act."¹⁰

Tel America filed reply comments in response to APCC's comments, which state in brief, that "(1) APCC's request to delay the transaction should be rejected because it would serve only its member's interests, to the detriment of the broader public interest. (2) It would be improper to delay the transaction on the basis of a disputed private claim in a pending Commission complaint proceeding that has not yet been adjudicated."¹¹

UCN, the transferee, also filed reply comments, which assert that "APCC Services' comments are a bald attempt to use the pending Section 214 Application to resolve a dispute with one of [Transtel's] subsidiary operating entities, Tel America, that arose over two years ago and has no relation to the proposed transfer of Tel America's and Express Tel's assets to UCN."¹² UCN also states that because it attempts to delay or prevent the completion of the transaction that is the subject of this section 214 application, the position taken by APCC is not in the interest of maintaining and improving communications service to consumers and is therefore not in the public interest.¹³

After careful consideration of the record in this proceeding, we conclude that the concerns raised by APCC are not sufficient to persuade us to remove the application from streamlined treatment. Nor do we find it necessary to impose any conditions on the terms of the transfer. We rely on the Applicants' assertions that it would be improper to delay this transaction based on an unadjudicated claim in a pending Commission complaint proceeding.

⁷ See APCC Comments at 3.

⁸ See *id.*

⁹ APCC Comments at 5.

¹⁰ *Id.*

¹¹ Tel America Comments at 3-5.

¹² UCN Comments at 2.

¹³ See *id.*

We are satisfied, based on the record, that the proposed transaction is in the public interest and should be granted accordingly.¹⁴

For purposes of computation of time for filing a petition for reconsideration or application for review, or for judicial review of the Commission's decision, the date of "public notice" shall be the release date of this notice.¹⁵

Effective Date of Grant: 6/25/05

For further information, please contact Tracey Wilson-Parker, at (202) 418-1394 or Erin Boone, Competition Policy, Wireline Competition Bureau at (202) 418-0064.

¹⁴ Our approval of this transaction does not prejudice or otherwise determine the outcome of the Commission's independent review of APCC's pending informal complaint proceeding or any subsequent formal complaint proceeding.

¹⁵ See 47 C.F.R. § 1.4 (computation of time).