



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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**DA 06-1597**  
**Released: August 7, 2006**

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF  
ASSETS OF LANYAP GRAHAM INTERNET TECHNOLOGY, INC., BY  
BENCHMARK COMMUNICATIONS, LLC**

**STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 06-133**

**Comments Due: August 21, 2006**

**Reply Comments Due: August 28, 2006**

On July 5, 2006, Lanyap Graham Internet Technology, Inc. ("Lanyap") and Benchmark Communications, LLC ("Benchmark") (together, the "Applicants"), filed an application, pursuant to section 63.04 of the Commission's rules,<sup>1</sup> requesting authority to transfer control of certain assets of Lanyap to Benchmark.<sup>2</sup>

Applicants submit that this transaction is entitled to presumptive streamlined treatment under 63.03(b)(2)(i) of the Commission's rules because (i) Applicants and their affiliates combined will hold less than a ten percent (10%) share of the interstate, interexchange market; (ii) Applicants and their affiliates will provide local exchange services, if at all, only in areas served by dominant local exchange carriers (none of which are a party to the proposed transactions); and (iii) none of the Applicants or their Affiliates are dominant with respect to any service.<sup>3</sup>

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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 an application 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. On July 21, 2006, Applicants filed a supplement to their original application. *See* Letter from Benjamin W. Bronston, Nowalsky, Bronston & Gothard to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 06-138 (filed July 21, 2006). Applicants filed another supplement on August 2, 2006. *See* Letter from Benjamin W. Bronston, Nowalsky, Bronston & Gothard to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 06-138 (filed August 2, 2006) (*August 2 Letter*).

<sup>3</sup> 47 C.F.R. § 63.03(b)(2)(i).

Lanyap, a Louisiana corporation, provides competitive resold local and competitive resold long distance services to residential customers in the states of Louisiana, Mississippi, Alabama, and Florida. Lanyap is owned entirely by the following U.S. citizens or entities: Jason Veasy, (20%); Warren Gottsegen (20%); Woodard Valls (20%); Randall Stuart (20%); and D’Juan Hernandez (20%). There is no other person or entity which has a 10% or greater interest in Lanyap.

Benchmark, a Louisiana limited liability corporation, provides local, intrastate, interstate, and international telecommunications services in Louisiana, Mississippi, Alabama and Florida. The following U.S. citizens or entities hold a 10 percent or greater interest in Benchmark: Mark Guidry (25%); Benjamin W. Bronston (25%); Jason Veasey (25%); and Warren Gottsegen (25%). In addition, the applicants state that none of the foregoing persons own a 10% or greater interest in any incumbent or other telecommunications carrier, except that Jason Veasey and Warren Gottsegen each own 20% of Lanyap.

On March 31, 2006, Lanyap and Benchmark entered into an Asset Purchase Agreement whereby Benchmark will purchase certain telecommunications assets of Lanyap including, but not limited to, certain of Lanyap’s customer accounts, customer premise equipment, computers and phones. After consummation of the proposed transaction, Lanyap will continue to provide services to its customers located in Louisiana. As a result, Lanyap will not abandon its domestic 214 authorities after consummation of the transaction.<sup>4</sup>

The Applicants state that the proposed transaction serves the public interest by creating operating efficiencies which will enhance the overall capacity of Benchmark to compete in the marketplace and to provide telecommunications services for a greater number of consumers at competitive rates. They further contend that customers of Lanyap will benefit from the company’s improved resources and assets, which will help ensure continuity of service and enhance the ability of Benchmark to offer a broader range of products and services to customers.

### **GENERAL INFORMATION**

The transfer of assets 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 assets application if, upon further examination, it is determined to be defective and not in conformance with the Commission’s rules and policies. Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file **comments on or before August 21, 2006 and reply comments on or before August 28, 2006.**<sup>5</sup> Unless otherwise notified by the Commission, Applicants are permitted to transfer the assets on

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<sup>4</sup> See *August 2 Letter* at 1.

<sup>5</sup> See 47 C.F.R. § 63.03(a).

the 31<sup>st</sup> day after the date of this notice.<sup>6</sup> Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers 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, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: 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, filers 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). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor 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, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov)

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

or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

**You may submit comments, identified by the above noted docket number, by any of the following methods:**

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

**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, S.W., Room CY-B402, Washington, D.C. 20554, [www.bcpweb.com](http://www.bcpweb.com); phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Cecilia Seppings, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C230, Washington, D.C. 20554; email: [cecilia.seppings@fcc.gov](mailto:cecilia.seppings@fcc.gov);
- (3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B155, Washington, D.C. 20554; e-mail: [dennis.johnson@fcc.gov](mailto:dennis.johnson@fcc.gov);
- (4) 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](mailto:susan.o'connell@fcc.gov); and
- (5) Jim Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: [jim.bird@fcc.gov](mailto:jim.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 CYB402, 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 Cecilia Seppings at (202) 418-1588, or Dennis Johnson at (202) 418-0809.

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