



PUBLIC NOTICE

Federal Communications Commission
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DA 06-1879
Released: September 15, 2006

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF YESTEL, INC. TO TTUSA ACQUISITION, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 06-139

Comments Due: September 29, 2006
Reply Comments Due: October 6, 2006

On July 11, 2006, Yestel, Inc. ("Yestel") and TTUSA Acquisition ("TTUSA") (together, the "Applicants"), filed an application, pursuant to section 63.04 of the Commission's rules,¹ requesting authority to consent to transfer control of certain assets of Yestel to TTUSA.²

Applicants submit that this transaction is entitled to presumptive streamlined treatment under 63.03(b)(2)(i) of the Commission's rules because (i) Yestel, as the transferee, will hold less than a ten percent (10%) share of the interstate, interexchange market; (ii) Yestel, as the transferee, will provide competitive telephone exchange services or exchange access services, if at all, exclusively in geographic areas served by dominant local exchange carriers (none of which are a party to the proposed transactions) and; (iii) neither of the Applicants is dominant with respect to any service.³

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

² 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. Applicants filed three amendments to their original domestic application. *See* Letter from Leon L. Nowalsky, Nowalsky, Bronston, and Gothard, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 06-139 (filed September 14, 2006); Letter from Leon L. Nowalsky, Nowalsky, Bronston, and Gothard, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 06-139 (filed September 12, 2006); Letter from Leon L. Nowalsky, Nowalsky, Bronston, and Gothard, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 06-139 (filed September 5, 2006).

³ 47 C.F.R. § 63.03(b)(2)(i).

Yestel, a California corporation, holds section 214 authority to provide domestic and international telecommunications services. Yestel provides competitive resold long distance services to residential customers in the states of California, Colorado, Florida, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Texas, Virginia, and Washington. Yestel is owned entirely by the following U.S. citizens: Robert Wu, (50%); and Shu Hwa Chen (50%). There is no other person or entity which has a 10% or greater interest in Yestel.

TTUSA is a California corporation with 100% of its common stock owned by Times Telecom (USA), Inc. TTUSA does not currently hold a 214 certificate. Times Telecom (USA), Inc., a California corporation, is wholly-owned by Times Telecom Inc. Times Telecom Inc. is a Canadian corporation that is wholly-owned by Key West Global Telecommunications Berhad (Key West), a Malaysian corporation. The following entities own at least 10 percent of Key West: B-Network Co., Ltd. (22.66%), a British Virgin Islands corporation, and Alfred Yong Kah Soon (22.57%), a Malaysian citizen) (13.97% of the shares of which are pledged securities for Alfred Yong Kah Soon by Ambank (M) Berhad, Malaysia citizenship)), a Malaysian corporation, hold controlling interests in Key West. Key West Communications (USA) Inc., an indirect subsidiary of Key West, provides wholesale termination of voice and data traffic to Tier 1 and Tier 2 carriers. No other Key West entities provide domestic 214 service.

The Application seeks Commission consent to transfer certain telecommunications assets, including but not limited to, Yestel's customer premise equipment, computers, phones and long distance customer accounts to TTUSA. Following consummation of the transaction, Applicants will transfer 214 authority from Yestel to TTUSA. TTUSA will continue to provide services to Yestel's customers.

The Applicants state that the proposed transaction serves the public interest by ensuring continuity of service to Yestel customers, and will enhance the ability of Yestel's customers to receive a broader range of innovative products and services. Applicants contend that the Acquisition will serve to enhance the overall capability of TTUSA to compete in the marketplace, provide telecommunications services for a greater number of consumers at competitive rates, and promote competition in the interstate long distance telecommunications market.

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 September 29, 2006 and reply comments on or before October 6, 2006.**⁴ 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.⁵ 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, 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.

⁴ See 47 C.F.R. § 63.03(a).

⁵ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

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 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 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.bcpiweb.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;
- (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;
- (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; 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.

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.bcpiweb.com.

For further information, please contact Cecilia Seppings at (202) 418-1588, or Dennis Johnson at (202) 418-0809.

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