



PUBLIC NOTICE

Federal Communications Commission
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DA 06-2504
Released: December 13, 2006

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
YAK COMMUNICATIONS (AMERICA) INC. FROM YAKTASTIC INC.
TO BLACKBIRD CORPORATION**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 06-222

Comments Due: December 27, 2006
Reply Comments Due: January 3, 2007

On December 6, 2006, Yak Communications (America) Inc. ("Yak America"), Yaktastic Inc. ("Yaktastic"), and Blackbird Corporation ("Blackbird") (collectively, "Applicants"), filed an application, pursuant to section 63.04 of the Commission's rules,¹ requesting authority to transfer control of Yak America to Blackbird.²

Applicants assert that this transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules because, upon completion of the proposed transaction, (a) Blackbird, as the Transferee, will have a market share in the interstate, interexchange market of less than 10 percent, and (b) Blackbird, as the Transferee, will provide competitive telephone exchange services or exchange access services (if at all) exclusively in areas served by a dominant local exchange carrier that is not a party to the transaction, and (c) neither of the Applicants is dominant with respect to any service.³

Yak America, a Florida corporation, is authorized to provide and provides resold interexchange telecommunications services in all of the contiguous 48 states and the District of Columbia. The services offered by Yak America include basic 1+ long distance services, 10-10 casual calling services, and calling card services. Yak America has no affiliates that offer domestic telecommunications. Yak America is a direct, wholly-owned subsidiary of Yaktastic, Inc., a Delaware corporation. Yaktastic is 100 percent owned by Anthony Lopez, a U.S. citizen.

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

² Applicants have also filed 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.

³ 47 C.F.R. § 63.03(b)(2)(i).

Blackbird, a Florida corporation, is 100 percent owned by Jose Cadi, a U.S. citizen. Applicants state that neither Blackbird nor Mr. Cadi hold any authorizations to provide telecommunications services, and neither has a 10 percent or greater ownership interest in any company that offers telecommunications services.

Pursuant to the terms of a Stock Purchase Agreement dated December 4, 2006 among Blackbird, Yaktastic, and Yak America, Blackbird will purchase from Yaktastic all of the issued and outstanding shares of capital stock of Yak America for a cash payment. As a result, Yak America will become a direct, wholly-owned subsidiary of Blackbird. Applicants state that the proposed transaction does not involve the transfer of any operating authority, assets, or customers of Yak America and that, immediately following the closing, Yak America will continue to offer customers the same services at the same rate, terms, and conditions. As a result, the only change will be that Yak America will be owned by Blackbird and, ultimately, owned by Mr. Cadi.

Applicants state that the proposed transaction will serve the public interest because Mr. Cadi will maintain and strengthen Yak America's existing long distance business. Applicants further state that the proposed transaction will be transparent to customers, and it will not have a negative impact on competition because the transaction will not result in the elimination of any competitors in the long distance market.

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 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 December 27, 2006** and **reply comments on or before January 3, 2007**.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

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.

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.

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.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-A103, Washington, D.C. 20554; email: cecilia.seppings@fcc.gov;

- (3) Jodie May, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C234, Washington, D.C. 20554; e-mail: jodie.may@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) 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, 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.

For further information, please contact Cecilia Seppings at (202) 418-1588, or Jodie May at (202) 418-0913.

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