



PUBLIC NOTICE

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DA 06-641

Released: March 22, 2006

NOTICE OF REMOVAL OF DOMESTIC SECTION 214 APPLICATION FROM STREAMLINED TREATMENT

WC Docket No. 06-45

The application listed in this notice has been removed from streamlined treatment pursuant to the Commission's streamlined procedures for domestic section 214 transfer of control applications.¹ Section 63.03(c)(v) of the Commission's rules provides that at any time after an application is filed, the Commission, acting through the Chief of the Wireline Competition Bureau, may notify an applicant that its application is being removed from streamlined processing where the Commission "determines that the application requires further analysis to determine whether a proposed transfer of control would serve the public interest."²

Domestic Section 214 Application Filed for the Transfer of Control of Birch Telecom, Inc., Debtor-in-Possession, to the Shareholders of the Newly Reorganized Birch Telecom, WC Docket No. 06-45

On February 27, 2006, the Commission released a public notice accepting for streamlined processing a domestic section 214 application involving Birch Telecom, Inc., Debtor-in-Possession ("Birch DIP") and the shareholders of the newly reorganized Birch Telecom (together, "Applicants"). Specifically, the Applicants request authority to transfer control of the domestic section 214 authorizations held by certain subsidiaries of Birch DIP from Birch DIP to the shareholders of the newly reorganized Birch Telecom pursuant to a Third Amended Joint Reorganization Plan proposed by Birch DIP.³ On March 13, 2006, the Department of Justice, including the Federal Bureau of Investigation, with the concurrence of the Department of Homeland Security (collectively, the "Executive Branch Agencies") filed with the Commission a letter requesting that the Commission defer grant of this application while the

¹ 47 C.F.R. § 63.03; *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, 17 FCC Red 5517 (2002) (*Streamlining Order*).

² See 47 C.F.R. § 63.03(c)(1)(v).

³ *Domestic Section 214 Application Filed for the Transfer of Control of Birch Telecom, Inc., Debtor-in-Possession, to the Shareholders of the Newly Reorganized Birch Telecom*, WC Docket No. 06-45, Public Notice, DA 06-482 (rel. Feb. 27, 2006).

Executive Branch Agencies address potential national security, law enforcement, and public safety concerns.⁴

This application is being removed from streamlined review in response to the request filed by the Executive Branch Agencies. Final action on this application should be expected once the Commission has received notification from the Executive Branch Agencies that the evaluation has been completed, but not later than 180 days from public notice that the application was accepted for filing.⁵

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

⁴ See Letter from Laura H. Parsky, Deputy Assistant Attorney General, United States Department of Justice Criminal Division, to Marlene H. Dortch, FCC, WC Docket No. 06-45 and ITC-ASG-20060221-00111, ITC-ASG-20060221-00112, ITC-ASG-20060221-00113, ITC-ASG-20060221-00114, ITC-ASG-20060221-00115, and ITC-ASG-20060221-00116 (dated March 13, 2006).

⁵ See 47 C.F.R. § 63.03(c)(2).