



PUBLIC NOTICE

Federal Communications Commission
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DA 07-2350
Released: June 6, 2007

DOMESTIC SECTION 214 APPLICATIONS FILED FOR THE TRANSFER OF CONTROL OF STARVOX COMMUNICATIONS, INC. AND CAPITAL TELECOMMUNICATIONS, INC. TO U.S. WIRELESS DATA, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 07-115

Comments Due: June 20, 2007

Reply Comments Due: June 27, 2007

The following applications were filed pursuant to section 63.03 of the Commission's rules requesting authority to transfer control of StarVox Communications, Inc. ("StarVox") and Capital Telecommunications, Inc. (CTI) to U.S. Wireless Data, Inc. ("USWI," collectively with StarVox and CTI, "Applicants").¹ StarVox is a California corporation that provides long distance services in 16 states and the District of Columbia.² CTI is a Pennsylvania corporation and a wholly-owned subsidiary of StarVox. CTI provides interstate, intrastate, and competitive local exchange services in nine states and the District of Columbia.³ USWI is a Delaware corporation that does not provide telecommunications services except through StarVox and CTI. Applicants state that Trinad Capital Master Fund Ltd, a Cayman Islands entity, holds a 10 percent

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants filed separate applications for the transfer of StarVox and CTI to USWI, but they are being consolidated in WC Docket No. 07-115. Applicants are also filing applications for consent to a transfer of control associated with authorization for international services. Applicants filed a supplement to their domestic 214 applications on June 1, 2007. In addition, Applicants filed a request for Special Temporary Authority (STA) on June 1, 2007 to allow StarVox and CTI to provide service under the ownership of USWI during the pendency of their applications. The Applicants indicated that they consummated the transfer of control of StarVox and CTI to USWI on March 23, 2007 without prior authorization. The Wireline Competition Bureau granted the STA request on June 5, 2007. *See* Letter from Jonathan S. Marshlian, Counsel for StarVox, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 115 (filed June 1, 1007). Any action on these domestic 214 applications is without prejudice to Commission action on other related pending applications and does not preclude or prejudice any enforcement action related to an unauthorized transfer of control.

² The StarVox states are California, Florida, Georgia, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, Utah, Virginia, and Washington.

³ The CTI states are Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Texas.

or greater direct equity interest in USWI. Applicants also state that other U.S.-based entities or individuals hold a 10 percent or greater direct or indirect interest in USWI, and that none of the entities or individuals holding such an interest have a 10 percent or greater interest in any other telecommunications carrier. The Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules⁴ and that a grant of the applications will serve the public interest, convenience, and necessity.

Application for the Transfer of Control of Capital Telecommunications, Inc. to U.S. Wireless Data, Inc., WC Docket No. 07-115 (filed May 23, 2007)

Application for the Transfer of Control of StarVox Communications, Inc. to U.S. Wireless Data, Inc., WC Docket No. 07-115 (filed May 23, 2007)

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 section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file **comments on or before June 20, 2007** and **reply comments on or before June 27, 2007**. Unless otherwise notified by the Commission, Applicants are permitted to transfer 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

⁴ 47 C.F.R. § 63.03(b)(2)(i).

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

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.bcpiweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A103, Washington, D.C. 20554; email: tracey.wilson-parker@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) 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.bcpweb.com.

For further information, please contact Tracey Wilson-Parker at (202) 418-1394, or Jodie May at (202) 418-0913.

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