



PUBLIC NOTICE

Federal Communications Commission
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DA 08-2483

Released: November 12, 2008

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF
CONTROL OF TEX-LINK COMMUNICATIONS, INC. TO PAC-WEST TELECOMM, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 08-221

Comments Due: November 26, 2008

Reply Comments Due: December 3, 2008

On November 7, 2008, Tex-Link Communications, Inc. (Tex-Link) and Pac-West Telecomm, Inc. (Pac-West) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer control of Tex-Link to Pac-West.¹ Tex-Link, a Texas corporation, provides competitive local and interexchange services in Texas, primarily to business customers in Austin, Dallas, Houston, and San Antonio. Mary Alice Bethancourt, a U.S. citizen, owns an 85 percent interest in Tex-Link. Pac-West, a California corporation, is authorized to provide competitive local exchange and interexchange services in 30 states and the District of Columbia. Pac-West is a wholly owned subsidiary of Pac-West Acquisition Company, which is a wholly owned subsidiary of Columbia Ventures Corporation (CVC), both U.S. corporations. CVC is wholly owned by Kenneth D. Peterson, Jr., a U.S. citizen. Applicants state that CVC does not directly provide telecommunications services but that, in addition to its ownership of Pac-West, it has a 51 percent voting interest and an approximate 49 percent equity interest in One Communications Corp, a U.S.-based holding company that owns subsidiaries providing competitive local exchange services predominantly in the Northeast, Mid-Atlantic, and Midwest regions. CTC Communications Corp., a One Communications Corp. subsidiary, is also licensed to provide resold interexchange services in the Continental U.S. Applicants state that Tex-Link and Pac-West do not operate in the same states. Pursuant to the terms of the proposed transaction, Pac-West will purchase 100 percent of the stock of Tex-Link, and Tex-Link will be a direct subsidiary of Pac-West and an indirect subsidiary of CVC. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.²

Application Filed for the Transfer of Control of Tex-Link Communications, Inc. to Pac-West Telecomm, Inc., WC Docket No. 08-221 (filed Nov. 7, 2008).

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

² 47 C.F.R. § 63.03(b)(2)(i).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is 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 C.F.R. § 63.03(a), interested parties may file comments **on or before November 26, 2008**, and reply comments **on or before December 3, 2008**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.³ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's eRulemaking Portal. See 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- 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.

In addition, email one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: 202 / 488-5300; fax: 202 / 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 4) David Krech, International Bureau, Policy Division, International Bureau, david.krech@fcc.gov;
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are 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 CY-B402, Washington, D.C. 20554; telephone: 202 / 488-5300; fax: 202 / 488-5563; email: fcc@bcpiweb.com; url: www.bcpiweb.com.

³ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

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).

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

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