



PUBLIC NOTICE

Federal Communications Commission
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DA 08-456

Released: February 25, 2008

**DOMESTIC SECTION 214 APPLICATIONS FILED FOR THE ACQUISITION OF CERTAIN
ASSETS OF STARVOX COMMUNICATIONS, INC. AND CAPITAL
TELECOMMUNICATIONS, INC. BY BCOMM, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 08-28

Comments Due: March 10, 2008

Reply Comments Due: March 17, 2008

Pursuant to section 63.03 of the Commission's rules, Starvox Communications, Inc. (Starvox), its wholly-owned subsidiary, Capital Telecommunications, Inc. (CTI), and bComm, Inc. (bComm) (collectively, Applicants) request consent to transfer substantially all of the telecommunications assets, including customers, of CTI and Starvox to bComm.¹ Starvox, a California corporation, is a non-dominant carrier authorized to provide switched and dedicated interstate and long distance message toll telecommunications services to business, enterprise, and carrier customers on a retail and wholesale basis. Starvox provides long distance services in California, D.C., Florida, Georgia, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, Utah, Virginia, and Washington. CTI, a Pennsylvania corporation, is a non-dominant carrier authorized to provide local, long distance, and data services primarily to small and medium-sized businesses in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Texas. Currently, bComm, a newly formed, privately-held corporation, organized under the laws of the state of Delaware, does not currently provide telecommunications services. bComm is wholly-owned by Mr. Warren Heffelfinger, a U.S. citizen.

Pursuant to a Foreclosure Sale and Purchase Agreement dated February 12, 2008, by and among bComm, as Purchaser, and DKR Soundshore Oasis Holding Fund, Ltd., as agent for itself and other secured creditors, as a result of the default of Starvox and CTI on their obligations under certain loan documents, bComm intends to purchase substantially all of the assets of Starvox and CTI pledged as security for the debt obligations currently in default. The assets involved in this transaction include the assets and retail long distance customers of Starvox located in the following states: California, D.C., Florida, Georgia, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, Utah, Virginia, and Washington. The assets involved in this transaction also include the assets and local and long distance customers of CTI located in the following states: Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Texas.

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for acquisition of assets associated with authorization for international services. Any action on these domestic 214 applications is without prejudice to Commission action on other related, pending applications.

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

Domestic Section 214 Applications Filed for the Acquisitions of Certain Assets of Capital Telecommunications, Inc. and Starvox Communications, Inc. to bComm, Inc., WC Docket No. 08-28 (filed Feb. 15, 2008).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of assets identified herein is 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 section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before March 10, 2008**, and reply comments **on or before March 17, 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) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;

² 47 C.F.R. § 63.03(b)(2)(i).

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

- 4) David Krech, International Bureau, Policy Division, International Bureau, david.krech@fcc.gov; and
- 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@bcpweb.com; url: www.bcpweb.com.

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 Dennis Johnson at 202 / 418-0809.

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