



PUBLIC NOTICE

Federal Communications Commission
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DA 09-31
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DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF ASSETS OF POWERCOM CORPORATION TO LAMBEAU TELECOM COMPANY, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 09-3

Comments Due: January 27, 2009

Reply Comments Due: February 3, 2009

On January 5, 2009, Powercom Corporation (Powercom) and Lambeau Telecom Company, LLC (Lambeau) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer substantially all of the assets of Powercom to Lambeau.¹ Powercom, a Wisconsin corporation, is authorized to provide competitive local exchange service in Wisconsin and interexchange services in Georgia, Indiana, Iowa, Kansas, Minnesota, North Carolina, North Dakota, Texas, and Wisconsin. Lambeau, a New Jersey limited liability company, does not currently provide telecommunications service. BCN Telecom, Inc. (BCN), a U.S.-based telecommunications entity, owns 10 percent of Lambeau, and Telecom Acquisition Company, LLC (TAC), also a U.S.-based telecommunications entity, owns 100 percent of BCN.² The following U.S. citizens own 10 percent or more of the equity of TAC: Richard M. Boudria (48.5 percent) and William P. Mulcahy (11.5 percent). Pursuant to the terms of the proposed transaction, Powercom and Lambeau, as an assignee of BCN, have entered into an agreement in which Lambeau will acquire substantially all of Powercom's assets, including customer contracts. Applicants assert that the proposed transaction is entitled to presumptive

¹ 47 C.F.R § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed supplements to their domestic section 214 application on January 12 and January 13, 2009. On January 7, 2009, Applicants filed a request for special temporary authority (STA) to close the transaction as soon as possible, and not later than January 22, 2009, because they state that Powercom is experiencing severe financial difficulties and is under foreclosure by its secured debt holder. They further state that the STA is necessary to transfer customers to Lambeau and prevent service disruptions. On January 8, 2009, the Wireline Competition Bureau granted the STA for domestic authorization for a period of 60 days. Letter from Patrick D. Crocker, Counsel, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 09-3 (filed Jan. 7, 2009).

² BCN is an authorized reseller of intrastate interexchange telecommunications services throughout the United States, with the exception of Alaska, and has competitive local exchange authority in 25 states and the District of Columbia. TAC does not currently provide telecommunications service. Applicants state that Lambeau has no other telecommunications affiliates.

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.³

Domestic Section 214 Application Filed for the Transfer of Assets of Powercom Corporation to Lambeau Telecom Company, LLC, WC Docket No. 09-3 (filed Jan. 5, 2009).

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 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 January 27, 2009**, and reply comments **on or before February 3, 2009**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁴ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's e-Rulemaking 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 e-Rulemaking 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, e-mail 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, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

³ 47 C.F.R. § 63.03(b)(2)(i).

⁴ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

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; e-mail: fcc@bcpiweb.com; url: www.bcpiweb.com.

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

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