



PUBLIC NOTICE

Federal Communications Commission
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**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
EPANA NETWORKS, INC. FROM SIENNA LIMITED PARTNERSHIP III, LP TO PROGRESS
INTERNATIONAL, LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 10-163

Comments Due: September 9, 2010
Reply Comments Due: September 16, 2010

On August 5, 2010, Epana Networks, Inc. (Epana), Sienna Limited Partnership III, LP, and Progress International, LLC (Progress) (collectively, Applicants), filed an application pursuant to section 63.03 of the Commission's rules to complete a transfer of control of Epana Networks, Inc., from Sienna Limited Partnership III, LP (Transferor), as representative of the stockholders of Vivaro Corporation, to Progress International, LLC (Progress or Transferee).¹

Epana, a Delaware corporation, provides resold telecommunications services throughout the United States. Epana is a wholly owned subsidiary of Vivaro Corporation, a Delaware corporation whose principal business is to serve as a holding company for Epana. Vivaro Corporation is a wholly owned subsidiary of Progress, a Texas limited liability company, that does not provide domestic telecommunications service. Progress is wholly owned by IXC International, LLC (IXC), a Delaware limited liability company serving as a holding company for Progress and its subsidiaries. IXC is wholly owned by Telecom Overseas C.V. (TOCV), a Netherlands limited partnership functioning solely as a holding company. TOCV has one general partner, Stichting Jarda, a Dutch foundation. Stichting Jarda owns less than one percent interest in TOCV. TOCV has one limited partner: Gustavo M. de la Garza Ortega, a citizen of Mexico owning more than 99 percent interest in TOCV.

On June 18, 2010, the parent company of Epana, named Vivaro Corporation (Vivaro), was merged into a subsidiary of Progress, named Progress Ventures Acquisition Sub, Inc. (Progress Subsidiary). As a result, the separate corporate existing of Progress Subsidiary ceased and Vivaro continued as the surviving corporation of the merger. Epana thus remained a wholly owned subsidiary of Vivaro.

¹ 47 C.F.R § 63.03; *see* 47 U.S.C. § 214. Applicants filed an application for transfer of control associated with authorizations for international services. Applicants filed a request for special temporary authority (STA) that was granted on August 26, 2010. Any action on this domestic 214 application is without prejudice to Commission action on other, pending applications. Applicants filed an amendment to their application on August 25, 2010.

Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(1)(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 Application Filed for the Transfer of Control of Epana Networks, Inc. from Sienna Limited Partnership III, LP to Progress International, LLC, WC Docket No. 10-163 (filed August 5, 2010).

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 September 9, 2010**, and reply comments **on or before September 16, 2010**. 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 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) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;

² 47 C.F.R. § 63.03(b)(1)(i).

³ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction. A grant of the application will be without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or Commission rules.

4) David Krech, 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; 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 Dennis Johnson at (202) 418-0809.

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