



PUBLIC NOTICE

Federal Communications Commission
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DA 10-1698

Released: September 7, 2010

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF SOUTHEAST TELEPHONE, INC. BY SE ACQUISITIONS, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 10-173

Comments Due: September 21, 2010

Reply Comments Due: September 28, 2010

On August 24, 2010, SE Acquisitions, LLC (SEA) and SouthEast Telephone, Inc., debtor-in-possession (SouthEast) (together, Applicants), filed an application pursuant to section 63.03 of the Commission's rules to transfer assets from SouthEast to SEA.¹

SouthEast, a Kentucky corporation, provides competitive local exchange carrier (LEC) and long distance services in Kentucky.² SEA, a Kentucky corporation formed to acquire and operate the assets of SouthEast, is wholly owned by Lightyear Network Solutions, Inc. (LYNS), a publicly held Nevada corporation. LY Holdings, LLC (LYH) owns approximately 66 percent of LYNS. LANJK, LLC owns 50 percent of LYH. LANJK, LLC is wholly owned by Judith Henderson and managed by J. Sherman Henderson, III, both U.S. citizens. SullivanLY, LLC owns 30 percent of LYH and is wholly owned by Chris Sullivan, a U.S. citizen. All entities are U.S.-based. Applicants state that LYNS, which does not itself provide telecommunications services, wholly owns Lightyear Network Solutions, LLC (Lightyear), a Kentucky limited liability company that is authorized to provide competitive LEC service and long distance services in all states except for Arizona, Connecticut, Delaware, South Dakota, Virginia, and Wyoming. Lightyear only offers long distance services in Wyoming.

Pursuant to the terms of the proposed transaction, SEA will purchase substantially all of the assets of SouthEast, including its telecommunications equipment and customer accounts. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of

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. Any action on this domestic 214 application is without prejudice to Commission action on other, pending applications. Applicants filed a supplement to their domestic section 214 application on September 2, 2010.

² On September 28, 2009, SouthEast filed a voluntary petition for relief under Chapter 11 of Title 11, U.S.C. §§ 101 et seq., as amended, in the United States Bankruptcy Court for the Eastern District of Kentucky, Pikeville Division, Case No. 09-70731-wsh. Applicants state that, as a debtor and debtor-in-possession, SouthEast continues to operate its business and provide telecommunications services to its customers.

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 Acquisition of Assets of SouthEast Telephone Inc. by SE Acquisitions, LLC, WC Docket No. 10-173 (filed Aug. 24, 2010).

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 September 21, 2010**, and reply comments **on or before September 28, 2010**. 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

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. 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.

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 Jodie May at (202) 418-0913.

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