



PUBLIC NOTICE

Federal Communications Commission
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DA 10-29
Released: January 7, 2010

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN
ASSETS OF GLOBAL CAPACITY GROUP, INC.
BY GLOBAL TELECOM & TECHNOLOGY AMERICAS, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 10-15

Comments Due: January 21, 2010
Reply Comments Due: January 28, 2010

On December 31, 2009, Global Capacity Group, Inc. (GCG), its affiliate, Global Capacity Direct, LLC f/k/a Vanco Direct USA, LLC (Vanco), and Global Telecom & Technology Americas, Inc. (GTT Americas) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ seeking approval to transfer certain assets from GCG and Vanco to GTT Americas.

GCG, a Texas corporation, is a direct, wholly owned subsidiary of Capital Growth Systems, Inc. (CGSI), a Florida corporation, and is authorized to provide resold and facilities-based competitive local exchange (LEC) and interexchange services in multiple states. Vanco, a Delaware corporation and subsidiary of CGSI, is authorized to provide competitive telecommunications services in multiple states. GTT Americas, a Virginia corporation, is a direct, wholly owned holding company subsidiary of Global Telecom & Technology, Inc. (GTT), a publicly traded Delaware corporation. GTT Americas provides private line and other telecommunications services nationwide. GTT does not provide telecommunications services, but has subsidiaries that offer wide area network and wireless mobility services worldwide. GTT also owns WBS Connect, L.L.C., a Colorado limited liability company that provides data transport services nationwide. Universal Telecommunications, Inc., a Delaware corporation that functions as a private equity and investment entity, holds 27 percent of the common stock of GTT. Applicants state that H. Brian Thompson, a U.S. citizen, holds a majority interest in Universal, and also owns shares of GTT, giving him a 30 percent interest in GTT. Anegada Master Fund Limited, a California fund, Tonga Partners, L.P., a California fund, and Tonga Partners QP, L.P., a California limited partnership fund, collectively hold 22 percent of the common stock of GTT. Cannell Capital LLC, a California limited liability company, is an investment advisor to all three funds. J. Carlo Cannell, a U.S. citizen, is the managing member of Cannell Capital LLC and possesses the sole power to vote the

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 a supplement to their domestic section 214 application on January 7, 2010.

disposition of all securities of GTT held by the funds. Applicants state that no other persons or entities hold a 10 percent or more equity interest in GTT.

Pursuant to the terms of the proposed transaction, CGSI, GCG, and Vanco will assign interstate data customers to GTT Americas. The customers are located throughout the service territories of GCG and Vanco. GCG and Vanco will continue to provide service to their other customers pursuant to existing telecommunications authorizations. Applicant asserts 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 Application Filed for the Acquisition of Certain Assets of Global Capacity Group, Inc. by Global Telecom and Technology Americas, Inc., WC Docket No. 10-15 (filed Dec. 31, 2009).

GENERAL INFORMATION

The transfer of assets identified herein has been found, upon initial review, to be 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 CFR § 63.03(a), interested parties may file comments **on or before January 21, 2010**, and reply comments **on or before January 28, 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;

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.

- 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.

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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