



PUBLIC NOTICE

Federal Communications Commission
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DA 11-288

Released: February 14, 2011

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF BLUE CASA COMMUNICATIONS, INC. BY BLUE CASA TELEPHONE, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 11-24

Comments Due: February 28, 2011

Reply Comments Due: March 7, 2011

On February 7, 2011, Blue Casa Communications, Inc. (Blue Casa), Blue Casa (assignment for the benefit of creditors), LLC (Assignee FBO Creditors), and Blue Casa Telephone, LLC (BCT), (collectively, Applicants), filed an application, pursuant to section 63.03 of the Commission's rules,¹ to request authority for the acquisition by BCT of Blue Casa's assets, including its customer base, immediately following an assignment for the benefits of creditors made pursuant to California law. Applicants seek expedited approval to allow the proposed transaction to take place as soon as possible.²

Blue Casa, a Delaware corporation, provides local exchange, exchange access, and domestic interexchange telephone services to residential customers in California, with a particular focus on serving Spanish-speaking households. Assignee FBO Creditors, a California limited liability company, was organized for the purpose of facilitating an assignment for the benefit of creditors. Assignee FBO Creditors is owned and controlled by two U.S. citizens: Michael A. Maily and Martin Pinchinson.

BCT, a newly-formed California limited liability company, has no operations. BCT's parent, TCAST Communications Inc. (TCAST), a California corporation, provides facilities-based local exchange, exchange access, and domestic interexchange telephone services to commercial and wholesale customers. TCAST holds state telecommunications operating authority issued by regulatory commissions in the states of Arizona, California, Nevada, Oregon, and Washington. The following U.S. citizens own equity interest in TCAST: Lee Howard (14 percent), James D. Howard (14 percent), Mark Jordan (21 percent) and Bob Carr (17 percent).

¹ 47 C.F.R § 63.03; *see* 47 U.S.C. § 214. Applicants also filed an application for transfer of control associated with authorizations for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other pending applications.

² Blue Casa's underlying service providers have threatened to terminate service, and Blue Casa is facing imminent business failure.

Applicants propose a two-step transaction, in accordance with California law, by which Blue Casa's assets, including its customer base, will be assigned to Assignee FBO Creditors and then sold to BCT. The first step of this transaction will consist of an assignment of Blue Casa's assets to Assignee FBO Creditors. Applicants state that the assignment for the benefit of creditors process is designed to both (i) facilitate the expeditious sale of Blue Casa's assets in order to preserve the going concern and (ii) maximize value and eventual recovery for Blue Casa's creditors. Assignee FBO Creditors will not operate the assets or provide any services but, instead, will immediately sell the assigned assets to BCT in exchange for a cash payment, which will be held in trust for the benefit of Blue Casa's creditors. Under the proposed transaction, these two steps will take effect simultaneously, and BCT thereby will be positioned to provide continuing service to the transferred customers. 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.³

Domestic Section 214 Application Filed for the Acquisition of Assets of Blue Casa Communications, Inc., by Blue Casa Telephone, LLC, WC Docket No. 11-24 (filed Feb. 7, 2011).

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 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 February 28, 2011**, and reply comments **on or before March 7, 2011**. 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:

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.

- 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, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@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 at (202) 418-1394 or Dennis Johnson at (202) 418-0809.

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