



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

News Media Information 202 / 418-0500
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DA 12-275
Released: February 24, 2012

APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF ASTRO TEL, INC. BY BIRCH COMMUNICATIONS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 12-33

Comments Due: March 9, 2012

Reply Comments Due: March 16, 2012

On February 7, 2012, Birch Communications, Inc. (Birch) and Astro Tel, Inc. (Astro Tel) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer assets of Astro Tel to Birch.¹

Astro Tel, a Florida corporation, is a competitive local exchange carrier (LEC) and interexchange carrier in Florida. Mike Ray, a U.S. citizen, currently owns 100 percent of Astro Tel. Birch, a Georgia corporation, and its wholly owned subsidiaries offer or are certificated to offer competitive LEC and interexchange services in 38 states.² Birch Communications Holdings, Inc. (Birch Holdings), a Georgia corporation, owns 100 percent of the equity and voting interests in Birch. Applicants state that Holcombe Green, a U.S. citizen, holds a 66 percent equity and voting interest, and R. Kirby Godsey, a U.S. citizen, holds a 32 percent equity and voting interest in Birch Holdings. Applicants further state that these individuals do not hold any interests in other telecommunications entities.

Pursuant to an Asset Purchase Agreement approved by the United States Bankruptcy Court for the Middle District of Florida,³ Birch will purchase certain assets from Astro Tel, including accounts and contracts for customers currently receiving service in Florida. Applicants state that the assets to be purchased do not include the Commission authorizations held by Astro Tel. Applicants assert that proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the

¹ 47 C.F.R § 63.03; *see* 47 U.S.C. § 214. Applicants filed a supplement to their application on February 17, 2012.

² The states are: Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Jersey, New Mexico, New York, North Carolina, North Dakota, Nebraska, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, Wisconsin, and Wyoming.

³ *Astro Tel, Inc.*, Order Authorizing and Approving (1) Asset Purchase Agreement, (2) Sale of Assets Free and Clear of Liens, Claims and Encumbrances to Birch Communications, Inc. and (3) Certain Related Relief, Case No. 8:10-bk-29992-MGW (Bankr. M.D. Fla., Jan. 13, 2012).

Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.⁴

Domestic Section 214 Application Filed for the Acquisition of Assets of Astro Tel, Inc.
by Birch Communications, Inc., WC Docket No. 12-33 (filed Feb. 7, 2012).

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 March 9, 2012**, and reply comments **on or before March 16, 2012**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁵ Comments should be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

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, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov; and
- 4) 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.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

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

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⁴ 47 C.F.R. § 63.03(b)(2)(i).

⁵ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.