



PUBLIC NOTICE

Federal Communications Commission
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DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF PRIMUS TELECOMMUNICATIONS, INC. TO PTUS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 13-145

Comments Due: June 28, 2013

Reply Comments Due: July 5, 2013

On June 5, 2013, Primus Telecommunications Group, Incorporated (PTGI), Primus Telecommunications, Inc. (PTI), and PTUS, Inc. (PTUS) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer control of PTI from PTGI to PTUS.

PTGI, a Delaware corporation, through various indirect operating subsidiaries, provides telecommunications products and services. In the United States, PTGI's regulated operating subsidiaries include PTI, PTGi International Carrier Services, Inc., the St. Thomas and San Jan Telephone Company, Inc., and STSJ Overseas Telephone Company, Inc. PTI provides telecommunications services in 49 states (every state except Alaska), the District of Columbia, and the Commonwealth of Puerto Rico. PTI, a Delaware corporation, is a wholly owned subsidiary of Primus Telecommunications Holdings, Inc. (Holdings), which is, in turn, wholly owned by PTGI.

PTUS, a Delaware corporation, does not provide telecommunications services, nor is it affiliated with any telecommunications providers. PTUS is wholly owned by PT Holdco, Inc., a Canadian holding company, which is wholly owned by PT Investor, L.P., a Cayman Islands holding company.² PT Investor, L.P. is controlled by its sole general partner, York Special Opportunities Domestic Holdings, LLC, a New York limited liability company. York Special Opportunities Domestic Holdings, LLC is vested solely in its senior managing member, York Capital Management Global Advisors, LLC, which is controlled by its Chairman, Chief Executive Officer, and founder James Dinan, a U.S. citizen.

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 application on June 11, 2013.

² Abu Dhabi Investment Authority, a United Arab Emirates entity, holds a 19.84% limited partnership equity interest in PT Investor, L.P.

On May 10, 2013, PTUS, PTGI and certain of their respective affiliates entered into an Equity Purchase Agreement whereby, among other things, PTUS will acquire all of the stock of PTI from Holdings. 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 Transfer of Control of Primus Telecommunications, Inc. to PTUS, Inc., WC Docket No. 13-145 (filed June 5, 2013).

GENERAL INFORMATION

The transfer of control 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 June 28, 2013**, and reply comments **on or before July 5, 2013**. Pursuant to section 63.52 of the Commission's rules, 47 C.F.R. § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁴

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents in this proceeding using the Commission's Electronic Comment Filing System (ECFS): <http://fjallfoss.fcc.gov/ecfs2/>.

In addition, e-mail one copy of each pleading to each of the following:

- 1) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

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).

The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies).

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.

⁵ 47 C.F.R. §§ 1.1200 *et seq.*

Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 C.F.R. § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Myrva Charles at (202) 418-1506 or Dennis Johnson at (202) 418-0809.

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