



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 13-1520
Released: July 3, 2013

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE
ACQUISITION OF CERTAIN ASSETS OF MEXTEL CORPORATION, LLC D/B/A/ LIFETEL
BY TERRACOM, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 13-154

Comments Due: July 17, 2013
Reply Comments Due: July 24, 2013

On June 11, 2013, MexTel Corporation, LLC d/b/a LifeTel (LifeTel) and TerraCom, Inc. (TerraCom) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer control of certain assets of LifeTel to TerraCom. Applicants consummated this transaction without prior authorization from the Commission on December 8, 2011.²

LifeTel, an Oklahoma limited-liability company, remains an active corporate entity, but is no longer a certified competitive local exchange carrier (LEC) in Oklahoma. LifeTel still holds domestic authority to provide interstate telecommunications services.

TerraCom, an Oklahoma corporation, currently holds domestic authority to provide interstate telecommunications services. TerraCom is a certified competitive LEC and Eligible Telecommunications Carrier (ETC) in Oklahoma and Texas and provides primarily Lifeline service in Oklahoma. TerraCom provides wireless services and is a wireless ETC in: Arkansas, Arizona, Colorado, Indiana, Iowa, Louisiana, Maryland, Minnesota, Nevada, U.S. Virgin Islands, West Virginia, and Wisconsin. TerraCom has pending or approved applications to provide wireless services and to be a wireless ETC in the following jurisdictions, but has not commenced the provision of service: Alabama, California, Connecticut, Delaware, the District of Columbia, Florida, Idaho, Mississippi, Nebraska, New Hampshire,

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 supplements to their application on June 11 and July 2, 2013.

² On June 18, 2013, the Wireline Competition Bureau granted Applicants' request for Special Temporary Authority for a period of 60 days for authorization to continue to provide service pending approval of this application. 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 the Commission's rules. Letter from Ross A. Buntrock and Katherine E. Barker Marshall, Counsel for LifeTel and TerraCom, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 13-154 (filed June 11, 2013).

New Jersey, New Mexico, New York, North Carolina, Ohio, Puerto Rico, South Carolina, Tennessee, and Virginia. TerraCom is affiliated with YourTel America, Inc. (YourTel), which provides local and long distance services to business and residential customers in Illinois, Kansas, Missouri, and Oklahoma, and prepaid wireless services to residential customers in Illinois, Kansas, Missouri, Oklahoma, Rhode Island, Washington, Maine, and Pennsylvania. TerraCom is owned by the following U.S. citizens: Jason Hirzel (47.5 percent) and Richard Yurich (47.5 percent).

On December 8, 2011, Applicants consummated a transaction whereby approximately two-thirds of LifeTel's customers were transferred to TerraCom.³ 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.⁴

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of MexTel Corporation, LLC d/b/a LifeTel by TerraCom, Inc., WC Docket No. 13-154 (filed June 11, 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 July 17, 2013**, and reply comments **on or before July 24, 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.⁵

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

³ Approximately one-third of the customers were transferred to UTPhone, Inc. See *Domestic 214 Application Filed for the Acquisition of Certain Assets of MexTel Corporation, LLC d/b/a LifeTel by UTPhone, Inc.*, WC Docket 13-155 (filed June 11, 2013). Applicants state that they notified a small portion of the customer base that LifeTel was discontinuing service, and the customers would not be transferred to either TerraCom or UTPhone, Inc., because neither were certified to provide local exchange service in those customers' service area. The notices to these customers, primarily in the operating area of Windstream, specified that LifeTel was discontinuing service and those customers would need to obtain service from a different carrier.

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.

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.⁶ 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). 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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⁶ 47 C.F.R. §§ 1.1200 *et seq.*