



# PUBLIC NOTICE

Federal Communications Commission  
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DA 13-2288

Released: November 27, 2013

## DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF KRUSH COMMUNICATIONS, LLC BY AGGREGATO USA INC.

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 13-272

**Comments Due: December 11, 2013**

**Reply Comments Due: December 18, 2013**

On October 25, 2013, Krush Communications, LLC (Krush) and Agregato (USA) Inc., (Agregato USA), (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules<sup>1</sup> to transfer certain assets of Krush to Agregato USA. Applicants consummated this transaction without prior authorization from the Commission on September 1, 2013.<sup>2</sup>

Krush, a privately held telecommunications company that provides long distance service on a prepaid basis in California, Florida and Illinois. Agregato USA, a Delaware corporation, provides domestic long distance telecommunications services on a prepaid basis through its acquisition of Krush. Agregato USA is a wholly-owned subsidiary of Agregato Global Limited (Agregato Global) (100 percent). Agregato Global is owned by AGMO Holdings Pty Limited (AGMO Holdings) (68 percent) and M2 Telecommunications Group Limited (M2 Telecommunications) (32 percent), both Australian entities. AGMO Holdings is a privately held company owned by the following Australian citizens: Ilario Faenza (25.5 percent), Allan Ghiassi (30 percent), Alan Barakat (20 percent) and Keith Wilson (24.5 percent). M2 Telecommunications, Australia's fourth largest telecommunications company, is a publicly held company listed on the Australian Stock Exchange. None of M2 Telecommunications' shareholders hold an ownership and/or voting interest of ten percent or more in M2 Telecommunications.

On September 1, 2013, Agregato USA acquired all of the assets of Krush, including Krush's licenses, authorizations, customer accounts and receivables, customers and vendor contracts and

<sup>1</sup> 47 C.F.R § 63.03; *see* 47 U.S.C. § 214. Applicants also filed an application 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 November 27, 2013.

<sup>2</sup> On November 26, 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 Joanna G. Wallace, Counsel, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 13-272 (filed Nov. 19, 2013).

agreements, equipment, and intellectual property. Applicants state that all existing contracts and procedures of Krush will remain in place. 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.<sup>3</sup>

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Krush Communications, LLC by Agregato USA Inc., WC Docket No. 13-272 (filed October 25, 2013).

## **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 December 11, 2013**, and reply comments **on or before December 18, 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.

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

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The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules. 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

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<sup>3</sup> 47 C.F.R. § 63.03(b)(2)(i).

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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