



PUBLIC NOTICE

Federal Communications Commission
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DA 13-368
Released: March 8, 2013

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF UNITEL, INC. AND UNICAP, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 13-57

Comments Due: March 22, 2013

Reply Comments Due: March 29, 2013

On March 5, 2013, UniTek, Inc. (UniTek), MBOTek, Inc. (MBO), UniTel, Inc. (UniTel), and UniCap, Inc. (UniCap) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer control of UniTel and UniCap through the merger of their existing parent, UniTek, with MBO.

UniTek, a Maine Corporation, is the 100 percent shareholder of UniTel and UniCap. UniTek, in turn, is owned 90 percent by UniTek Holdings, Inc. (UHI), also a Maine corporation. UniTel is an incumbent local exchange carrier serving approximately 3680 access lines in four exchanges in Kennebec, Penobscot, and Waldo Counties in central Maine. UniCap provides long distance services in and around the service area of UniTel. MBO, a Maine corporation created for purposes of this transaction, is wholly owned by Laurie Osgood, a U.S. citizen. Applicants state that MBO is not affiliated with any telecommunications carrier.

Pursuant to the terms of the proposed transaction, UHI and MBO will be merged with and into UniTek with UniTek as the surviving entity. The common stock of MBO will be converted into common stock of UniTek, and, upon consummation, Ms. Osgood will own all of the common stock of UniTek, and UniTek will continue to be the sole owner of UniTel and UniCap. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under sections 63.03(b)(1)(ii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.²

Domestic Section 214 Application Filed for the Transfer of Control of UniTel, Inc. and UniCap, Inc., WC Docket No. 13-57 (filed Mar. 5, 2013).

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 and wireless services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² 47 C.F.R. §63.03(b)(1)(ii).

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 March 22, 2013**, and reply comments **on or before March 29, 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.³

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

³ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

⁴ 47 C.F.R. §§ 1.1200 *et seq.*

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

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