



PUBLIC NOTICE

Federal Communications Commission
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News Media Information 202 / 418-0500
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DA 15-70
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DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF IBFA ACQUISITION COMPANY, LLC BY FIRST CHOICE TECHNOLOGY, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 15-6

Comments Due: February 3, 2015
Reply Comments Due: February 10, 2015

On January 8, 2015, IBFA Acquisition Company, LLC (IBFA) and First Choice Technology, Inc. (First Choice) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules requesting approval for the transfer of certain assets of IBFA, through Scott Howsare (Receiver) in his capacity as court appointed Receiver, to First Choice.¹

IBFA, a Michigan limited liability company, provides resold local and long distance services on a nationwide basis. According to the Applicants, Thermo Credit, LLC (Thermo) was a secured creditor of IBFA. Applicants state that IBFA defaulted on its loans. As a result, Thermo exercised their right to perform a UCC foreclosure of IBFA's assets pursuant to the Uniform Commercial Code in Cook County, Illinois. The Receiver was appointed to manage the business of IBFA while it was undergoing the sale.

First Choice, a Delaware corporation, currently provides long distance telecommunications services in 38 states.² The following U.S. citizens own ten percent or more of the equity or voting interests in First Choice: Scott Howsare (33.3 percent); Leon Nowalsky (33.3 percent); Ava Rosenberg (33.3 percent).

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 January 14, 2015.

² First Choice provides telecommunications services to the following states: Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, S. Carolina, S. Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Applicants state that, pursuant to an Order of the Circuit Court of Cook County, Illinois, the Receiver was authorized to enter into a Bill of Sale transferring the long distance assets of IBFA to First Choice. First Choice will acquire substantially all of the long distance customer assets of IBFA, including, but not limited to, IBFA's long distance customer accounts. 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 Assets of IBFA Acquisition Company LLC to First Choice Technology, Inc., WC Docket No. 15-6 (filed January 8, 2015).

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 February 3, 2015**, and reply comments **on or before February 10, 2015**. 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 Freeman, Competition Policy Division, Wireline Competition Bureau, myrva.freeman@fcc.gov;
- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) 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. 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,

³ 47 C.F.R. § 63.03(b)(2)(i).

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 Freeman at (202) 418-1506 or Dennis Johnson at (202) 418-0809.

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