



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
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DA 16-1309
November 22, 2016

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF OPCOM, INC. D/B/A WCS TELECOM BY BCN TELECOM, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 16-378

Comments Due: December 6, 2016
Reply Comments Due: December 13, 2016

Opcom, Inc. d/b/a WCS Telecom (Opcom) and BCN Telecom, Inc. (BCN) (collectively Applicants) filed an application pursuant to section 214 of the Communications Act of 1934, as amended, and section 63.03 of the Commission's rules requesting approval for the transfer of Opcom's customer base to BCN.¹

Opcom, a privately-held Montana corporation, has authority to provide intrastate, interexchange services in the following states: Arizona, California, Colorado, Georgia, Iowa, Minnesota, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Texas, Washington, and Wyoming.

BCN, a New Jersey corporation, is authorized as a reseller of telecommunications services throughout the United States, with exception of Alaska, and has resold and/or facilities-based local exchange authority in the District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. BCN is a wholly owned subsidiary of Telecom Acquisition Company, LLC (TAC). TAC is majority held by a U.S. trust, the Richard M. Boudria Family Trust (67.1 percent). Each of the beneficiaries of the Boudria family as well as the trustee, Joseph Michaels IV, are U.S. citizens. No other entity holds a ten percent or greater interest in BCN.

The proposed transaction involves the sale of all assets related to Opcom's customer base to BCN. The Applicants state that after closing of the proposed transaction, BCN will provide telecommunications services to the customers pursuant to its own telecommunications authorizations and Opcom will surrender its authorization. Applicants assert that this proposed transaction qualifies for

¹ See 47 U.S.C. § 214; 47 CFR § 63.03.

streamlined treatment pursuant to 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.²

Domestic Section 214 Application Filed for the Acquisition of Assets of Opcom, Inc. by BCN Telecom, Inc., WC Docket No. 16-378 (filed Nov. 4, 2016).

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 6, 2016**, and reply comments **on or before December 13, 2016**. Pursuant to section 63.52 of the Commission's rules, 47 CFR § 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 assets 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://apps.fcc.gov/ecfs/>.

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) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@fcc.gov; and
- 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), 1-888-835-5322 (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, 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

² 47 CFR § 63.03(b)(2)(i).

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 CFR § 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 Gregory Kwan at (202) 418-1191.

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