



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 18-1135

November 6, 2018

DOMESTIC SECTION 214 APPLICATIONS FILED FOR THE TRANSFER OF CONTROL OF INTEREXCHANGE RESELLERS TO THE ESTATE OF MARTIN TIBBITTS

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket Nos. 18-317, 18-318

Comments Due: November 20, 2018

Reply Comments Due: November 27, 2018

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on applications filed by two interexchange resellers (collectively, Licensees) and the Estate of Martin J. Tibbitts (Estate; together with Licensees, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules, requesting consent to the involuntary transfers of control of the Licensees to the Estate.¹

The Licensees, both U.S.-based interexchange resellers, provide resold interexchange services to customers in multiple states. The Bureau has assigned a docket number to each application and describes them briefly as follows:

- **WC Docket No. 18-317:** Applicants state that LCR Telecommunications, LLC (LCR), a Michigan limited liability company, was owned and controlled by Martin J. Tibbitts from January 1, 2017 until his death on July 20, 2018.²
- **WC Docket No. 18-318:** Applicants state that National Access Long Distance, Inc. (NALD), a privately-held Nevada corporation, was owned and controlled by Martin J. Tibbitts until his death on July 20, 2018.³

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Separate applications have been filed with the International Bureau for special temporary authority and transfer of control of international 214 authority for each of the Licensees. Any action on the domestic section 214 applications is without prejudice to Commission action on other related applications.

² On September 25, 2018, the Estate filed a request for domestic special temporary authority to continue to operate LCR pending Commission action on this transfer of control application. On October 25, 2018, the Bureau granted the Applicants' request for special temporary authority to authorize LCR to continue providing service for 60 days pending approval of the domestic section 214 application. Letter from Cheng-yi Liu and Mark DeSantis, Counsel for the Estate of Martin J. Tibbitts, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-317 (filed Sept. 25, 2018). A grant of the application would be without prejudice to any enforcement action by the Commission for non-compliance with the Act or the Commission's rules.

³ Prior to January 1, 2017, NALD was 100 percent owned by J. Eric Ross. As of January 1, 2017, Martin Tibbitts

Pursuant to the applications, on July 20, 2018, Martin Tibbitts unexpectedly passed away. As a result, his 100 percent interest in each of the Licensees was transferred to the Estate. Applicants state that Belinda G. Tibbitts, a United States citizen, has been appointed as Personal Representative of the Estate of Martin J. Tibbitts by the Probate Court of the County of Wayne, Michigan. Applicants note that the Estate also now owns a 100 percent interest in six other companies that provide resold interexchange services in multiple states.⁴ Applicants assert that a grant of the LCR and NALD applications will serve the public interest, convenience, and necessity. Although Applicants request streamlined processing, due to the public interest review associated with the proposed transactions, we accept the applications for non-streamlined processing.⁵

Domestic Section 214 Applications Filed for the Transfer of Control of Interexchange Resellers to the Estate of Martin J. Tibbitts, WC Docket Nos. 18-317, 18-318 (each filed Oct. 15, 2018).

GENERAL INFORMATION

The applications identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies.

Interested parties may file comments and petitions **on or before November 20, 2018**, and reply comments or oppositions to petitions **on or before November 27, 2018**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Electronic Filers: Comments may be filed electronically by accessing ECFS at <http://apps.fcc.gov/ecfs/>.

acquired a 100 percent ownership in NALD prior to obtaining Commission consent for the transfer of control of NALD's domestic section 214 authority. On September 25, 2018, the Estate submitted a request for special temporary authority with respect to the January 1, 2017 transfer of control of domestic 214 authority to Martin Tibbitts and the July 20, 2018 involuntary transfer of control from Martin Tibbitts to the Estate. On October 25, 2018, the Bureau granted the Applicants' request for special temporary authority to authorize NALD to continue providing service for 60 days pending approval of the domestic section 214 application. Letter from Cheng-yi Liu and Mark DeSantis, Counsel for the Estate of Martin J. Tibbitts, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-317 (filed Sept. 25, 2018). A grant of the application would be without prejudice to any enforcement action by the Commission for non-compliance with the Act or the Commission's rules.

⁴ These companies are: Business Network Long Distance, Inc., a Nevada corporation; Communications Network Billing, Inc., a Nevada corporation; Integrated Services, Inc., a Nevada corporation; Multiline Long Distance, Inc., an Ohio corporation; Nationwide Long Distance Services, Inc., a Nevada corporation; and Network Service Billing, Inc., a Nevada corporation (Affiliated Entities). Applicants also filed requests for special temporary authority and applications for consent for the transfers of control for each of the Affiliated Entities, which Mr. Tibbitts acquired without Commission approval on January 1, 2017. On July 12, 2018, the Bureau accepted for filing the domestic section 214 application for each of the Affiliated Entities. *Domestic Section 214 Applications Filed for the Transfer of Control of Interexchange Resellers to Martin Tibbitts*, WC Docket Nos. 18-107, 18-108, 18-109, 18-110, 18-111, 180112, Public Notice, DA 18-725 (WCB July 12, 2018). On October 25, 2018, the Bureau granted the Applicants' request for special temporary authority to authorize each of the Affiliated Entities to continue providing service for 60 days pending approval of the domestic section 214 applications. The applications for the Affiliated Entities remain pending and a grant of them would be without prejudice to any enforcement action by the Commission for non-compliance with the Act or the Commission's rules.

⁵ 47 CFR § 63.03(c)(1).

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.
 - All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC, 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. All envelopes and boxes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD, 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC, 20554.

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 and Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

In addition, please provide one copy of each pleading to each of the following:

- 1) Jim Bird, Office of General Counsel, transactionteam@fcc.gov;
- 2) Alex Johns, Wireline Competition Bureau, alexis.johns@fcc.gov or gregory.kwan@fcc.gov;
- 3) Tracey Wilson, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 4) David Krech, International Bureau, david.krech@fcc.gov;
- 5) Sumita Mukhoty, International Bureau, sumita.mukhoty@fcc.gov.

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 data or arguments already reflected in the presenter’s written comments, memoranda, or other filings in the proceeding, then 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 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the Applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their

⁶ 47 CFR § 1.1200 *et seq.*

initial filings. New issues may not be raised in responses or replies.⁷ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

For further information, please contact Tracey Wilson at (202) 418-1394 or Alex Johns at (202) 418-1167.

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⁷ See 47 CFR § 1.45(c).