



# PUBLIC NOTICE

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## DOMESTIC SECTION 214 APPLICATION GRANTED FOR THE TRANSFER OF CONTROL OF U.S. TELEPACIFIC HOLDINGS CORP. AND ITS SUBSIDIARIES TO TANGO PRIVATE HOLDINGS II, LLC

### WC Docket No. 19-248

By this Public Notice, the Wireline Competition Bureau (Bureau) grants an application filed by U.S. TelePacific Holdings Corp. (TPx Holdings), Arrival Communications, Inc. (Arrival), DSCI, LLC (DSCI), Mpower Communications Corp. (Mpower), TPx Communications Co. (TCC), U.S. TelePacific Corp. (TelePacific, together with Arrival, DSCI, Mpower, and TCC, the Licensees), and Tango Private Holdings II, LLC (Tango) (collectively, 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 transfer control of TPx Holdings and the Licensees to Tango.<sup>1</sup>

On September 30, 2019, the Bureau released a Public Notice requesting comment on the Application.<sup>2</sup> On October 4, 2019, the U.S. Department of Justice, with concurrence of the U.S. Department of Homeland Security and the U.S. Department of Defense (collectively, Agencies), filed a letter requesting that the Commission defer action on WC Docket No. 19-248 while they completed their review of any national security, law enforcement, and public safety issues.<sup>3</sup> We deferred action in response to this request. On January 21, 2020, the Agencies notified the Bureau that they withdraw their request to defer action.<sup>4</sup> They state that, based on the information provided to them by Applicants and their analysis of potential national security, law enforcement, and public safety issues, they recommend granting the Application "on the condition of the September 2, 2016 Letter of Assurances (LOA)."<sup>5</sup>

TelePacific and TPx Holdings made commitments regarding potential national security, law enforcement, and public safety issues in a September 2, 2016 LOA from Richard A. Jalkut, President & Chief Executive Officer, TelePacific and TPx Holdings, to the Assistant Attorney General for National

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<sup>1</sup> See 47 U.S.C. § 214; 47 CFR §§ 63.03-04; Joint Application of U.S. TelePacific Holdings Corp. and Tango Private Holdings II, LLC, et al. for Grant of Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended, and Sections 63.04 and 63.24 of the Commission's Rules to Complete a Transfer of Control of Authorized Domestic and International Section 214 Carriers, WC Docket No. 19-248 (filed Sept. 5, 2019) (Application).

<sup>2</sup> *Domestic Section 214 Application Filed for the Transfer of Control of U.S. TelePacific Holdings Corp. and its Subsidiaries to Tango Private Holdings II, LLC*, WC Docket No. 19-248, Public Notice, DA 19-983 (WCB 2019).

<sup>3</sup> Letter from Lee Licata, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 19-248 (Oct. 4, 2019) (on file in WC Docket No. 19-248).

<sup>4</sup> Letter from Lee Licata, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 19-248 (Jan. 21, 2020) (on file in WC Docket No. 19-248) (DOJ Letter).

<sup>5</sup> *Id.* at 1.

Security, National Security Division, U.S. Department of Justice, and the Assistant Secretary of Policy, U.S. Department of Homeland Security. Applicants agree to retain and comply with those commitments. Accordingly, we condition grant of the Application on compliance by TelePacific, TPx Holdings, and Tango with the commitments and undertakings set forth in the September 2, 2016 LOA. A failure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of the underlying authorization and thus grounds for declaring the authorization terminated without further action on the part of the Commission. Failure to meet a condition of the authorization may also result in monetary sanctions or other enforcement action by the Commission. The DOJ Letter and LOA may be viewed on the Commission's website through the Electronic Comment Filing System at [https://www.fcc.gov/ecfs/search/filings?proceedings\\_name=19-248&sort=date\\_disseminated\\_DESC](https://www.fcc.gov/ecfs/search/filings?proceedings_name=19-248&sort=date_disseminated_DESC).

No party filed comments in opposition to a grant of the Application, and the Bureau finds, upon consideration of the record, that granting the Application will serve the public interest, convenience, and necessity.<sup>6</sup> Pursuant to section 1.103 of the Commission's rules, 47 C.F.R. § 1.103, the grant is effective upon release of this Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Gregory Kwan, Wireline Competition Bureau, Competition Policy Division, (202) 418-1191.

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<sup>6</sup> 47 CFR § 63.03(b).