



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>

DA 21-966
August 6, 2021

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF MAGNA5 LLC TO INTERNATIONAL TELCOM, LLC

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 21-311

Comments Due: August 20, 2021
Reply Comment Due: August 27, 2021

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Magna5 Holdings LLC (Magna5 Holdings) and International Telcom, LLC (International Telcom) (together, 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 Magna5 LLC (Magna5) from Magna5 Holdings to International Telcom.¹

Magna5 Holdings, a Delaware limited liability company, provides through Magna5, competitive local exchange, long distance, and other communications services in 48 states and Washington, D.C.² International Telcom, a Delaware limited liability company, provides competitive local exchange, long distance, and other communications services in 37 states. Applicants state that, following the consummation of the proposed transaction, International Telcom will be held by the following two U.S. citizens and New Jersey corporation: Kevin Alward (38%); Nicolas Felmlee (12%); and Afognak Holdings, Inc. (Afognak Holdings) (50%).³

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed applications for the transfer of authorizations associated with international services. On July 30, 2021 and August 3, 2021, Applicants filed supplements to their domestic section 214 application. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² Applicants state that Magna5 provides retail and wholesale services almost exclusively to business customers and that it has fewer than 100 residential customers located either in New York or Massachusetts.

³ Applicants state that the following U.S. citizens and New Jersey Trust hold a 10% or greater interest in Afognak Holdings: Nicholas Felmlee (24%); Jeffrey Alward (36.5%); and the 2015 Alward Children's Trust (36.5%) (Belinda Alward, a U.S. citizen, is the sole trustee). Applicants further state that none of the individuals or entities that will have a direct or indirect ownership interest in Magna5 hold 10% or greater interests in any other provider of domestic telecommunications services.

Pursuant to the terms of the proposed transaction, International Telecom will acquire all the interests of Magna5 and its wholly-owned subsidiary, Magna5 International LLC. As a result, Magna5 will be a direct wholly-owned subsidiary of International Telecom.

Applicants request streamlined treatment of the proposed transaction under the Commission's rules and assert that a grant of the application would serve the public interest, convenience, and necessity. We accept the application for filing under section 63.03(b)(2)(i) of the Commission's rules.⁴

Domestic Section 214 Application Filed for the Transfer of Control of
Magna5 LLC to International Telecom, LLC, WC Docket No. 21-311 (filed July 27, 2021).

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 August 20, 2021**, and reply comments **on or before August 27, 2021**. 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 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 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) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@fcc.gov;
- 3) Kimberly Cook, Telecommunications and Analysis Division, International Bureau, kimberly.cook@fcc.gov; and
- 4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

People with Disabilities: We ask that requests for accommodations be made as soon as possible in order to allow the agency to satisfy such requests whenever possible. Send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

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

⁴ 47 CFR § 63.03(b)(2)(i).

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 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 application in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.⁵ 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 Gregory Kwan at (202) 418-1191.

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⁵ See 47 CFR § 1.45(c).