



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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**Report No. TEL-01592NS**

**Friday December 7, 2012**

## **Non Streamlined International Applications/Petitions Accepted For Filing**

### **Section 214 Applications (47 C.F.R. § 63.18); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16) and Section 310(b)(4)**

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Petition for Declaratory Ruling

TX Communications LLC (TXC or "Petitioner") requests a declaratory ruling that its indirect foreign ownership above the 25 percent benchmark in section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), is in the public interest. TXC filed the petition in connection with an application for consent to assign common carrier point-to-point wireless licenses from Trillion Partners, Inc. to TXC. See ULS File No. 0005401821.

TXC, a Delaware limited liability company, is a wholly-owned subsidiary of TX Broadband Holding Company (TX Broadband), a Delaware company. Global Leveraged Capital Credit Opportunity Fund I (GLC COF I), an entity organized under the laws of the Cayman Islands, a World Trade Organization (WTO) Member, has a 63.81% controlling interest in TX Broadband and thus indirectly in TXC. Global Leveraged Capital Primary Credit Fund (GLC PCF), a Delaware limited liability company, has a 22.82% interest in TX Broadband. Tatonka Capital Corporation (TCC), a Colorado corporation, has a 13.37% interest in TX Broadband.

According to the Petition, the majority of the revenues derived by GLC COF I are from investments in U.S. companies. The day-to-day management, operational and investment decisions for GLC COF I are made by Global Leveraged Capital, LLC, a Delaware limited liability company that is ultimately controlled by three U.S. citizens. Non-U.S. citizens or entities organized under the laws of other countries hold a total of 37.9% of the investment equity in GLC COF I, but no single foreign investor holds a 10 percent or greater share of GLC COF I. None of the investors has the ability to control or be involved in the day-to-day business operations, activities or decisions of GLC COF I. Petitioner asserts that the overall attributable non-U.S. ownership in TX Broadband, and thus the indirect foreign ownership in TXC, is 24.33% -- 24.18% through the foreign equity investment in GLC COF I and 0.15% through GLC PCF.

The Petitioner states that, pursuant to the rules and policies established by the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), the indirect foreign ownership of TX Communications LLC in excess of the 25 percent benchmark in section 310(b)(4) of the Act is consistent with the public interest.

International Telecommunications Certificate

**Service(s):** Global or Limited Global Facilities-Based Service

Application for authority to provide facilities-based service to Cuba in accordance with section 63.18(e)(3) of the Commission's rules, 47 C.F.R. § 63.18(e)(3), and pursuant to the Commission's process for applications for service to Cuba (see DA 10-112, 25 FCC Rcd 436 (IB rel. Jan. 21, 2010)).

Applicant agrees to accept the terms and conditions for a waiver of the benchmark rate applicable to Cuba set forth in the FCC's April 8, 2011 Memorandum Opinion and Order, IB DK No. 10-95, 26 FCC Rcd 5217.

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**REMINDER:**

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001–2003.

An updated version of Section 63.09-.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>