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May 12, 2008

BY FEDEX (888-225-5322)

Marlene H. Dortch
Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Re: File Nos. ITC-ASG-20080404-00164; ISP-PDR-20080403-00007;
SES-ASG-20080404-00423; ULS 0003356838

Dear Secretary Dortch:

Enclosed for filing herewith is an original plus four (4) copies of a Petition to Condition the applications in the above referenced proceedings.

Please acknowledge receipt of this filing by file-stamping and returning the extra copy of this filing in the envelope provided for this purpose.

Please contact the undersigned should you have any questions.

Respectfully submitted,



Thomas K. Crowe
Cheng-yi Liu,
Counsel for Choice Phone, LLC

Enclosures

Received & Inspected

MAY 13 2008

FCC Mail Room

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
IT&E Overseas, Inc., Assignor)	
)	
and)	
)	
PTI Pacifica Inc., Assignee)	
)	
Application for Assignment of Domestic and)	File No. ITC-ASG-20080404-00164
International Authority Under Section 214 of)	
the Communications Act, as Amended)	
)	
and)	
)	
Pacific Telecom Inc.)	
)	
Petition for Declaratory Ruling Under)	File Nos. ISP-PDR-20080403-00007
Section 310(b)(4) of the Communications)	SES-ASG-20080404-00423
Act of 1934, as Amended, to Permit)	ULS 0003356838
Acquisition of Common Carrier Licenses)	

PETITION TO CONDITION

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May 12, 2008

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SUMMARY OF PETITION

Petitioners respectfully request that the Federal Communications Commission expressly condition any grant of the above-referenced applications of PTI Pacifica Inc. (“PTI Pacifica”), Pacific Telecom Inc. (“PTI”), and IT&E Overseas, Inc. (“IT&E”) on safeguards to ensure fair and competitive rates and to prevent competitive harms. The proposed transaction will reduce competition by consolidating market power and eliminating a significant competitor; increase the likelihood for anti-competitive misconduct; and increase existing barriers to entry.

The anti-competitive concerns raised by the proposed transaction are further magnified by the fact that existing rates charged by PTI to utilize its fiber optic submarine cable are exceedingly high. Since competing providers of wireline and wireless services in both Guam and the CNMI must utilize the cable to transport traffic to the other market, PTI is able to utilize pricing for private line services over the cable to disadvantage its competitors. The proposed transaction would eliminate one of PTI’s major competitors, allow PTI to acquire control of even more facilities and market share in both Guam and the CNMI, and further reduce any incentive PTI may have to charge reasonable rates to access the inter-island cable.

Accordingly, to mitigate the serious risk of harm to competition that the proposed transaction will create, the Commission should condition any grant of the proposed transaction on the adoption of specific safeguards to ensure against anti-competitive practices. The Commission should require that PTI partially divest a portion of its cable capacity to a competing provider or providers in the CNMI/Guam markets. Alternatively, the Commission should impose safeguards to ensure access to PTI’s fiber optic submarine cable facilities at fair and competitive rates. Competitive access to, and rates for, the inter-island cable will help to ensure that the residents of Guam and the CNMI benefit from increased competition across a variety of services.

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Acquisition of Common Carrier Licenses)	

PETITION TO CONDITION

Choice Phone, LLC, Pacific Data Systems, Guam Cellular and Paging Inc. and GTA TeleGuam, LLC (collectively “Petitioners”) respectfully request that the Federal Communications Commission (“FCC” or “Commission”) expressly condition any grant of the above-referenced applications of PTI Pacifica Inc. (“PTI Pacifica”), Pacific Telecom Inc. (“PTI”), and IT&E Overseas, Inc. (“IT&E”) (collectively “Applicants”) on safeguards to ensure fair and competitive rates and to prevent competitive harms.

I. BACKGROUND

A. The Applicants and Proposed Transaction

Under the proposed transaction, PTI would acquire the telecommunications assets of IT&E and assign those assets to PTI's wholly owned indirect subsidiary, PTI Pacifica. On April 4, 2008, Applicants filed applications requesting approval to assign IT&E's common carrier satellite earth station license on the Territory of Guam ("Guam") and IT&E's common carrier Local Multipoint Distribution Service ("LMDS") licenses on Guam and the Commonwealth of the Northern Mariana Islands ("CNMI") to PTI Pacifica.¹ On April 7, 2008, Applicants filed a joint international and domestic Section 214 application requesting approval to transfer assets of IT&E to PTI Pacifica.²

IT&E, a Guam corporation, provides pre-subscribed (1+) and pre-paid telecommunications services (interstate and international) in Guam and the CNMI, and competitive local exchange (CLEC) services in Guam.³ PTI Pacifica, a CNMI corporation, provides pre-subscribed (1+) and pre-paid telecommunications services (interstate and international) in Guam and the CNMI.⁴ It is a wholly owned subsidiary of Micronesian Telecommunications Corporation ("MTC"), a CNMI corporation which is the incumbent local

¹ See IBFS File No. SES-ASG-20080404-00423 and ULS File No. 0003356838.

² See *In re IT&E Overseas, Inc., Assignor, and PTI Pacifica, Inc., Assignee, Application for Assignment of Domestic and International Authority Under Section 214 of the Communications Act, as Amended*, Joint International and Domestic Section 214 Application for Consent to Assignment/Acquisition of Assets, WC Docket No. 08-54 (April 7, 2008) ("Joint Application").

³ See *Domestic Section 214 Application Filed for the Transfer of Assets of IT&E Overseas, Inc. to PTI Pacifica, Inc.*, Public Notice, DA 08-974 (April 28, 2008). See also *Streamlined International Applications Accepted for Filing*, Public Notice, Report No. TEL-01263S (May 2, 2008).

⁴ *Id.*

exchange carrier (ILEC) in the CNMI.⁵ MTC, in turn, is wholly owned by PTI, a holding company incorporated in the CNMI.⁶ PTI exclusively owns and controls the only fiber optic submarine cable which carries interstate calls between Guam and the CNMI, carries international calls between the CNMI and the rest of the world, and which provides local service in the CNMI between the islands of Saipan, Tinian, and Rota.

B. The CNMI and Guam

The CNMI consists of 14 islands strategically located in the North Pacific Ocean approximately 3300 miles west of Honolulu, 1272 miles southeast of Tokyo and 50 miles north of the territory of Guam. Guam is approximately 3400 miles from Hawaii and 1400 miles from the Philippines. Per capita GDP is only \$12,500 in the CNMI and \$15,000 in Guam (as compared with \$46,000 for the U.S. overall).⁷ Gripped by a severe recession for nearly a decade,⁸ Guam and the CNMI are both high cost, low income regions which are distantly and remotely located from the mainland U.S. Both the CNMI and Guam have been encompassed under the Commission's rate integration policy since September 1, 1997.⁹ The Commission has

⁵ *Id.*

⁶ *Id.*

⁷ Central Intelligence Agency, *World Fact Book* (May 1, 2008), available at <https://www.cia.gov/library/publications/the-world-factbook/fields/2004.html> (accessed May 11, 2008).

⁸ *Conditions on the Commonwealth of the Northern Mariana Islands: Before the Senate Comm. on Energy and National Resources*, 110th Cong. 80 (February 8, 2007).

⁹ See *Policy and Rules concerning the Interstate, Interexchange Marketplace, Implementation of Section 254(g) of the Communications Act of 1934, as amended*, Report and Order, 11 FCC Rcd. 9564 (1996), *recon. denied* Memorandum Opinion and Order, 12 FCC Rcd. 11548 (1997), *modified by* First Memorandum Opinion and Order on Reconsideration, 12 FCC Rcd. 11812 (1997), *aff'd in part by* GTE Serv. Corp. v. FCC, 343 U.S. App. D.C. 125 (D.C. Cir. 2000).

ruled that the Telecommunications Act of 1996 applies to the CNMI as the term "State" is defined in that statute to include U.S. territories and possessions, including the CNMI.¹⁰

Heightening concerns, Guam and the CNMI have become increasingly important to U.S. strategic objectives in the region.¹¹ Accordingly, the proposed transaction must be viewed in light of the serious negative implications it could create for the residents of Guam and the CNMI, as well as for the important federal government and military offices located there.¹²

II. THE PROPOSED TRANSACTION RAISES SERIOUS ANTI-COMPETITIVE CONCERNS

As demonstrated below, the proposed transaction will reduce competition by consolidating market power and eliminating a significant competitor; increase the likelihood for anti-competitive misconduct; and increase existing barriers to entry.¹³

In considering proposed transactions of this type, the Commission is required to determine, pursuant to sections 214(a) and 310(d) of the Act, whether the proposed transfers of

¹⁰ See, e.g., *Policy and Rules Concerning the Interstate, Interexchange Marketplace, Implementation of Section 254(g) of the Communications Act of 1934, as amended*, Report and Order in CC Dkt. No. 96-61, ¶ 55 (August 7, 1996); *Regulatory Treatment of LEC Provision of Interexchange Services Originating in LEC's Local Exchange Area and Policy and Rules Concerning the Interstate, Interexchange Marketplace*, Second Report and Order in CC Dkt. No. 96-149, and Third Report and Order in CC Dkt. No. 96-61 FCC 97-142, ¶ 174 (April 18, 1997).

¹¹ See, e.g., Guam Build-up Environmental Impact Statement/Overseas Environmental Impact Statement Website, available at <http://www.guambuildupeis.us/> (accessed May 12, 2008).

¹² Among other things, the federal government leases a large amount of land in the CNMI for military purposes. See, e.g., CNMI Covenant, Section 802, available at, http://cnmilaw.org/covenant_i_x.htm#article8 (accessed May 11, 2008).

¹³ Indeed, the Commission has acknowledged that such transfers can “create market power, create or enhance barriers to entry by potential competitors, and create opportunities to disadvantage rivals in anticompetitive ways.” *In re Applications of Nextel Communications, Inc. and Sprint Corporation; For Consent to Transfer Control of Licenses and Authorizations; File Nos. 0002031766, et al.*, Memorandum Opinion and Order, 20 FCC Rcd 13967, 13978 (2005) (“*Sprint-Nextel Order*”).

control will serve the public interest.¹⁴ As part of its public interest analysis, the Commission has considered the likely competitive effects of the proposed transfers and whether such transfers raise significant anti-competitive issues.¹⁵ The Commission has also recognized that its analysis must take into account a proposed transaction's effect on future competition, and in determining that a transaction will be in the public interest, the Commission must be convinced that the transaction will enhance competition.¹⁶

A. The Proposed Transaction Reduces Competition by Consolidating Market Power and Eliminating a Significant Competitor

The distant location of the CNMI from the mainland U.S., along with its small population and physical size, have historically served to sustain a monopoly telecommunications environment and limit the emergence of viable competition. PTI and its subsidiaries already dominate the telecommunications market in the CNMI, and IT&E is the dominant telecommunications provider in Guam¹⁷ and the second largest long distance carrier in the

¹⁴ 47 U.S.C. §§ 214(a), 310(d).

¹⁵ See *In re Bell Atlantic New Zealand Holdings, Inc., Transferor, and Pacific Telecom Inc., Transferee, Applications for Consent to Transfer Control Licenses and Authorizations*, Order and Authorization, 18 FCC Rcd 23140, 23145 (2003) (“*BANZHI/PTI Order*”).

¹⁶ See, e.g., *Sprint-Nextel Order*, 20 FCC Rcd at 13978; *In re Application of GTE Corporation, Transferor, and Bell Atlantic Corporation, Transferee; For Consent to Transfer Control of Licenses and Authorizations*, Memorandum Opinion and Order, 15 FCC Rcd 14032, 14047 (2002) (“*Bell Atlantic-GTE Order*”). While the *Bell Atlantic-GTE Order* and the *Sprint-Nextel Order* dealt specifically with merger transactions, the Applicants' proposed transaction in the instant case should be analyzed under the same standards since it will essentially merge the telecommunications operations of the companies involved. IT&E will cease providing telecommunications service after all its telecommunications assets are acquired by PTI, and all of IT&E's customers will continue to be served by PTI and its subsidiaries.

¹⁷ Based on Petitioners' best information, IT&E controls at least 54% of the pre-subscribed 1+ market in Guam.

CNMI.¹⁸ The proposed transaction will only serve to consolidate the telecommunications markets in Guam and the CNMI, and raises serious concerns regarding the reduction of competition.

Applicants claim that they “face significant competition in the long distance market” and will continue to face significant competition post-transaction.¹⁹ To support this claim, Applicants submitted a “Non-Exhaustive List of Long Distance Competitors.”²⁰ However, Applicants’ claim does not take into account the percentage of the long distance market that is actually controlled by PTI or its competitors.²¹ Based on previous data submitted by PTI itself to the Commission, PTI Pacifica, in 2003, controlled over 70% of the CNMI 1+ long distance

¹⁸ PTI has a virtual monopoly (through its subsidiary, MTC) on local service in the CNMI, a significant market share of the CNMI pre-subscribed long distance market, and also provides wireless, pre-paid, and Internet services. *See* <http://www.pticom.com/> (accessed May 11, 2008). Further, PTI controls satellite facilities, microwave facilities, and the only fiber optic cable facility that links the CNMI to Guam, and the rest of the world. IT&E is a significant provider of long distance services in both Guam and the CNMI, a competitor in the local service market in Guam, and also provides pre-paid, wireless, and Internet services. *See* <http://www.ite.net/> (accessed May 11, 2008). IT&E also holds various wireless licenses and satellite earth station licenses that are part of the applications in the instant case.

¹⁹ *See* Letter from Kenneth D. Patrich and Timothy J. Cooney, Attorneys for PTI Pacifica, and Mary J. Sisak, Attorney for IT&E, to Marlene H. Dortch, Secretary, Federal Communications Commission, Filed in WC Docket No. 08-54 (dated April 22, 2008) (“First Letter Supplement”).

²⁰ *See* Attachment to First Letter Supplement. Several of the so-called “competitors” that Applicants have supplied are simply names of various pre-paid calling cards for which the actual name of the service provider has not been given (i.e., Hello Pinoy, Hello Asia, Hafa Adai, Thru-Tel, Luzviminda). Thus, whether the service provider is actually providing long distance service in Guam or the CNMI, or is even authorized by the Commission to provide such service (i.e., has a Section 214 authorization), cannot be verified. Further, many pre-paid calling cards focus solely on narrow niche international long distance markets, and would not serve as adequate examples of competition for long distance services provided between the CNMI, Guam, and the rest of the United States of America.

²¹ To make a complete and informed determination on potential competitive harm would require assessing the market share held by PTI and IT&E both before and after the proposed transaction, as well as the market shares held by its competitors.

market, and IT&E controlled over 20%.²² Thus, at least with respect to 1+ long distance service, the transaction will remove PTI's largest competitor and give PTI a 1+ market share well above 90% in the CNMI.²³

The proposed transaction also creates significant anti-competitive effects for the wireless markets in the CNMI and Guam.²⁴ PTI currently holds various wireless licenses and provides wireless services in the CNMI and Guam. IT&E also holds various wireless licenses and provides wireless service in the CNMI and Guam. Thus, the proposed transaction will increase both market concentration (by eliminating a current competitor) and spectrum concentration for PTI.²⁵ According to PTI, after acquiring all pending spectrum rights, it will hold 82 megahertz

²² In a previous transaction involving PTI and Bell Atlantic New Zealand Holdings, Inc. ("BANZHI"), PTI submitted a chart detailing the long distance market share in the CNMI for both originating pre-subscribed 1+ minutes and all originating access minutes. As detailed in the chart, PTI Pacifica (then known as Verizon Pacifica) held 71.28% of the 1+ market share, and IT&E held 21.51% of the 1+ market share. *See* Joint Opposition to Petitions to Deny and Comments, IB Docket No. 03-115 (filed June 24, 2003).

²³ Further, since IT&E is a dominant provider of pre-subscribed 1+ service in Guam, controlling at least 54% of the market, the proposed transaction will also allow PTI to control a significant portion of that market. *See supra* note 17.

²⁴ The Commission has previously assessed the risk of harm to competition raised by assignment of a wireless license to PTI. *See In re Application of Bell Atlantic New Zealand Holdings, Inc., Assignor, and GTE Pacifica, Inc., Assignee, for the Assignment of Personal Communications Service License WQCV808 (MTA 050)*, Order, 21 FCC Rcd 12079, 12087 (2006) ("*MTA 050 Order*"). However, that transaction involved the assignment of a wireless license from BANZHI, which was not providing wireless service in CNMI or Guam at the time since it had already assigned its telecommunications assets in those markets to PTI. Thus, that assignment did not pose the same horizontal concentration issues that exist for the present transaction where IT&E is an existing wireless provider and competitor of PTI Pacifica. That case also did not involve the assignment of long distance operations of a major competitor, offering PTI and its affiliates a market share well above 90% in the 1+ market in the CNMI.

²⁵ Market concentration and spectrum concentration are both factors in the Commission's review of horizontal issues (i.e., those related to increased concentration within a market) as part of its analysis whether assignments of wireless licenses present a risk of harm to competition. *See id.*

of spectrum in Guam and 107 megahertz of spectrum in the CNMI.²⁶ Since this exceeds the 70 megahertz spectrum aggregation threshold, it triggers increased scrutiny by the Commission.²⁷ Further, since PTI controls the only fiber optic submarine cable between the CNMI and Guam, the proposed transaction also raises the potential for competitive harm through further vertical integration.²⁸ Control of facilities connecting Guam and the CNMI allows PTI to control multiple parts in the chain of services required to provide telecommunications services between the two markets. Since PTI controls monopoly local access facilities in the CNMI, transport between Guam and the CNMI (and after the proposed transaction would also control additional facilities in Guam), PTI could use its market power in one service to subsidize its other services. Further, PTI could use each part of the chain of services to improperly exclude competition (e.g., by charging unreasonably high rates for competitors to access the necessary services).

B. The Proposed Transaction Creates the Enhanced Potential for Anti-Competitive Misconduct and Increases Existing Barriers to Entry

The anti-competitive concerns raised by the proposed transaction are further magnified by both the nature of the CNMI market and the fact that PTI controls the only practical facilities (i.e., the fiber optic submarine cable) used to transport traffic between the two markets.²⁹ This is

²⁶ See Exhibit 2, ULS File No. 0003356838 (filed on April 4, 2008).

²⁷ See *MTA 050 Order*, 21 FCC Rcd at 12087.

²⁸ PTI also controls satellite earth stations and microwave facilities, which are other limited means to transport traffic from the CNMI to Guam.

²⁹ Virtually no practical competitive alternatives to PTI's facilities and services exist. If PTI is allowed to acquire IT&E's assets, it would have control over significant wireless and wireline telecommunications facilities in Guam and the CNMI, as well as the only fiber optic submarine cable connecting the two markets. Thus, the dynamics of this proposed transaction, and the potential anti-competitive effects it would have, are distinguishable from the transactions involving PTI that the Commission has previously assessed. See *BANZHI/PTI Order*; 18 FCC Rcd 23140; *MTA 050 Order*, 21 FCC Rcd 12079.

compounded – and confirmed – by the fact that existing rates charged by PTI to utilize the inter-island cable are exceedingly high. The distance between Guam and Saipan is only approximately 125 miles, but the rates charged by PTI to utilize its fiber optic submarine cable are significantly higher than rates for equivalent services. For example, according to PTI’s website,³⁰ a DS-1 circuit on PTI’s cable incurs a monthly recurring charge of up to \$7,143, and a DS-3 circuit incurs a monthly recurring charge of up to \$198,973 per month.³¹ Based on rates posted by the National Exchange Carrier Association (NECA), monthly recurring charges for an equivalent 125 mile DS-1 circuit are approximately \$3,060.58,³² and monthly recurring charges for an equivalent 125 mile DS-3 circuit are approximately \$22,520.72.³³ PTI’s monthly recurring charge for its DS-1 circuit are more than double the charges based on NECA’s rates, and PTI’s DS-3 monthly recurring charge is almost nine times higher.³⁴ Since competing

³⁰ See PTI Private Line GS Fiber Cable Price List, *available at* <http://www.pticom.com/tariffs/plgfc.pdf> (accessed May 11, 2008).

³¹ This amounts to over \$2.3 million a year for a DS-3 circuit between Guam and the CNMI. This is particularly unreasonable and unjustified, especially considering PTI claims that the cable itself cost only \$15 million to construct and install. However, absent competition in the fiber optic transport market between Guam and the CNMI, PTI apparently has no incentive to charge competitive rates.

³² Monthly recurring charges included in this calculation are determined using NECA’s rates for DS-1 (Rate Band 7) High Capacity Service, and includes channel terminations (\$184.32 x 2), channel mileage terminations (\$98.47 x 2), and channel mileage facility (\$19.96 x 125 miles). See NECA Access Service Tariff FCC No. 5, Section 17.3.8, pages 17-26, 17-26.1, and 17-27, *available at* <http://www.neca.org/media/tariff5.pdf> (accessed May 12, 2008).

³³ Monthly recurring charges included in this calculation are determined using NECA’s rates for DS-3 (Rate Band 7) High Capacity Service, and includes channel terminations (\$2,133.78 x 2), channel mileage terminations (\$547.83 x 2), and channel mileage facility (\$137.26 x 125 miles).

³⁴ The unreasonably high rates charged by PTI are blatantly in violation of Sections 201 and 254(g) of the Communications Act of 1934, as amended, and the Commission’s geographic rate averaging and rate integration principles. See 47 U.S.C. §§ 201, 254(g). See also *Policy and Rules Concerning the Interstate, Interexchange Marketplace Implementation of Section 254(g) of the Communications Act of 1934, as amended*, Report and Order, 11 FCC Rcd 9564 (1996).

providers of wireline and wireless services in both Guam and the CNMI must utilize the cable to transport traffic to the other market, PTI is able to utilize pricing for private line services over the cable to disadvantage its competitors (e.g., by continuing to charge unreasonably high rates to limit competition, or to subsidize PTI's other telecommunications offerings). The proposed transaction would eliminate one of PTI's major competitors, allow PTI to acquire control of even more facilities and market share in both Guam and the CNMI, and further reduce any incentive PTI may have to charge reasonable rates for transporting traffic between the islands.³⁵ Additionally, unreasonably high rates to utilize the cable will continue to serve as an effective barrier to entry for new competitors to enter into the CNMI market, especially for broadband services requiring access to higher bandwidth.³⁶

III. ANY GRANT SHOULD BE CONDITIONED UPON THE ADOPTION OF SAFEGUARDS TO PREVENT COMPETITIVE HARM

To protect the public interest, the Commission has the authority to impose specific conditions on such transactions, including divestiture of licenses, facilities, and customers.³⁷ Accordingly, to mitigate the serious risk of harm to competition that the proposed transaction will create, the Commission should condition any grant of the proposed transaction on the adoption of specific safeguards to ensure against anti-competitive practices. The Commission

³⁵ In essence, the proposed transaction will increase PTI's vertical integration of telecommunications services in both the CNMI and Guam. This will create even greater incentive and potential for PTI to charge unreasonably high rates for the fiber optic submarine cable as a way to disadvantage its competitors, for all services, in both markets.

³⁶ The Commission has previously expressed concern that the "residents of Guam and the [CNMI] have access to [sic] information services", a concern that would be exacerbated by approval of the proposed transaction absent conditions. *See In re Federal-State Joint Board on Universal Service*, Recommended Decision, 12 FCC Rcd 87, 309 (1996).

³⁷ *See, e.g., In re Applications of AT&T Wireless Services, Inc. and Cingular Wireless Corp. for Consent to Transfer Control of Licenses and Authorizations*, Memorandum Opinion & Order, 19 FCC Rcd 21522, 21545 (2004).

should require that PTI partially divest a portion of its cable capacity to a competing provider or providers in the CNMI/Guam markets. Diversified ownership of the fiber optic submarine cable will mitigate the anti-competitive effects and concerns raised by the proposed transaction, and further enhance competition in both the CNMI and Guam by ensuring that rates for utilizing the cable remain reasonable and competitive.

Alternatively, the Commission should impose safeguards to ensure access to PTI's fiber optic submarine cable facilities at fair and competitive rates. Rates charged by PTI should be comparable to rates charged by other carriers for similar services. This will help to ensure that competitors will not be disadvantaged by PTI's control over a significant bottleneck facility between Guam and the CNMI. Competitive access to, and rates for, the inter-island cable will help to ensure that the residents of Guam and the CNMI benefit from increased competition across a variety of services.

IV. CONCLUSION

For the foregoing reasons, the Petitioners respectfully request that the Commission expressly condition grant of the proposed transaction on safeguards to ensure fair and competitive rates and to prevent competitive harms.

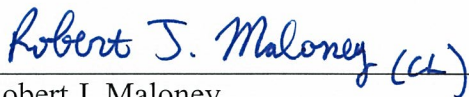
Respectfully submitted,

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May 12, 2008

CERTIFICATE OF SERVICE

I, Jaclyn Murray, a legal assistant at the Law Offices of Thomas K. Crowe, P.C., do hereby certify that on this 12th day of May, 2008, a copy of the foregoing Petition to Condition was served via email upon the following:

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