

Westlaw

8 F.C.C.R. 2794

1993 WL 756251 (F.C.C.), 8 F.C.C.R. 2794, 8 FCC Rcd 2794

(Cite as: 1993 WL 756251 (F.C.C.), 8 FCC Rcd. 2794)

DA 93-452

*1 IN THE MATTER OF THE APPLICATION OF
LONG DISTANCE SERVICE OF WASHINGTON, INC.

AND

NEW CABLE INC.

FOR AUTHORITY PURSUANT TO SECTION 214 OF THE COMMUNICATIONS ACT OF 1934, AS
AMENDED, FOR ASSIGNMENT OF AUTHORIZATION TO RESELL INTERNATIONAL SWITCHED VOICE
SERVICES

File No. I-T-C-93-107-TC

Adopted: April 14, 1993; Released: April 23, 1993

****2794 MEMORANDUM, OPINION AND ORDER**

By the Chief, International Facilities Division:

1. On February 11, 1993, Long Distance Service of Washington, Inc. (LDS) and New Cable Inc. (New Cable) filed the above-captioned application pursuant to Section 214 of the Communications Act of 1934, as amended, and Section 63.01 of the Commission's Rules requesting authority for New Cable to acquire the assets and Section 214 authorization of LDS. [FN1] The application was put on public notice on February 24, 1993, and no comments were received.

2. LDS is a privately-held Delaware corporation that has authority to resell international switched message telephone service between the U.S. and various international points. [FN2] LDS operates under the regulatory requirements established for non-dominant international carriers in International Competitive Carrier Policies. [FN3] LDS is a full service long distance provider serving large and small businesses operating throughout the Bell Atlantic states pursuant to the Commission's domestic competitive carrier policies. [FN4]

3. New Cable is a Delaware corporation and a wholly-owned subsidiary of Litel Telecommunications, Inc. (Litel) and a sister company to Litel Telecommunications Corp. d/b/a LCI International, which provides interexchange telephone service to various locations throughout the United States as a non-dominant carrier pursuant to the Commission's domestic competitive carrier policies, and resells international switched voice services pursuant to the regulatory requirements established for non-dominant international carriers in International Competitive Carrier Policies. [FN5]

4. The application states that an agreement has been reached between LDS, Richard J. Rice and Litel, and that agreement will be assigned by Litel to New Cable. The agreement provides for New Cable to purchase all of the assets of LDS used by

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LDS to provide the services described in its Section 214 authorization. The transaction will permit New Cable to continue providing high quality long distance services to the customers of LDS. New Cable will continue to provide service pursuant to LDS's tariff.

5. In view of the foregoing, we conclude that the transfer of control of LDS's assets and Section 214 authorization to New Cable will not adversely affect the public interest.

6. Accordingly, IT IS ORDERED, pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.01 of the Commission's Rules, 47 C.F.R. § 63.01, that the application of Long Distance Service of Washington, Inc. and New Cable Inc., File No. I-T-C-93-107- TC, IS GRANTED and we consent to the transfer of control of LDS's assets and Section 214 authorization originally granted in File No. I-T-C-88-017 (see n. 2) to New Cable Inc.

*2 7. IT IS FURTHER ORDERED, pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61, that New Cable must continue to maintain tariffs for the services authorized in this order.

8. IT IS FURTHER ORDERED that New Cable must file annual reports of overseas telecommunications traffic as required by Section 43.61 of the Commission's Rules, 47 C.F.R. § 43.61.

9. IT IS FURTHER ORDERED that nothing in this authorization should be construed to include authorization for the transmission of money in connection with the services the applicants seek authority to provide. The transmission of money is not considered to be a common carrier service. Therefore, nothing in this Order should be construed as containing authority for the transmission of money.

**2795 10. This order is issued under Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, and is effective upon adoption. 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 public notice of this order (see Section 1.4(b)(2), 47 C.F.R. § 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

George S. Li

Chief, International Facilities Division

Common Carrier Bureau

FN1. The original application was filed on behalf of New Cable. By letter of April 13, 1993, it was amended to include LDS as an applicant. Cite letter.

FN2. Long Distance Service of Washington, Inc., File No. I-T-C-88-017, 3 FCCRcd 33