

**VoIP TEL, L.P.**  
**Request for Special Temporary Authority**  
**Attachment 1**

**Response to Question 10:**

VoIP TEL, L.P. (“Applicant”), pursuant to 47 C.F.R. § 63.25, hereby requests Special Temporary Authority (“STA”), for a period of sixty (60) days, to continue providing service to customers pending consideration of a separately filed application for transfer of control (File No. ITC-T/C-20081024-00475).

As detailed in the underlying application, on December 15, 2007, the four equal owners of Applicant consummated a transaction whereby two owners sold all of their interests in Applicant to the remaining two owners through separately executed Securities Purchase Agreements. Effectively, each remaining owner now holds a total of fifty percent (50%) direct and indirect ownership interest in Applicant.<sup>1</sup> The consummation of the transaction was completely transparent and did not result in a reduction or impairment of service to any of Applicant’s customers. However, Applicant and the parties to the transaction did not seek the Commission’s consent prior to these transfers and are requesting this STA as part of a plan to correct any deficiency which may have resulted from this oversight.

Grant of this STA is in the public interest as it will allow Applicant to continue providing uninterrupted communications services to its customers. Perhaps even more importantly, as Applicant is both a wholesale service provider and a provider of prepaid calling card services, discontinuance of the Applicant’s service could result in a widespread loss of telecommunications service to end user customers of Applicant as well as customers of companies other than Applicant. Discontinuance could affect thousands of consumers. Many of the companies which rely on Applicant for wholesale service also provide service to end users on a prepaid basis. Such consumers often have lower incomes and fewer options available for the purchase of telecommunications service than options which may be available to the public at large. In addition, since such customers have already purchased service, a service disruption may result in a situation in which they cannot be made whole, even if refunds for lost service are available.

An unfortunate oversight resulted in the delay in requesting Commission consent regarding the transfers of control at issue. The owners did not have a complete understanding of the Commission’s transfer of control requirements, and did not realize that even an internal transaction between existing owners, which did not introduce outside ownership interests to the Applicant, would be subject to prior Commission approval. This mistake was inadvertent, and upon discovery Applicant has taken steps to correct the deficiencies. Applicant is working closely with communications counsel to ensure that this matter receives necessary attention.

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<sup>1</sup> Since each remaining owner of Applicant increased their respective interests from twenty-five percent (25%) to fifty percent (50%), the transactions would be considered transfers of control pursuant to 47 C.F.R. § 63.24(c), despite the fact that no new ownership was introduced to the Applicant.

Applicant acknowledges that the grant of this STA will not prejudice any action the Commission may take on the underlying application seeking Commission consent to the transfer of control. Applicant further acknowledges that this STA can be revoked by the Commission upon its own motion without a hearing, and that grant of an STA and the underlying application will not preclude enforcement action.

### **Response to Question 16**

- Section 63.18(d) Applicant has previously received authority (File No. ITC-214-20060718-00356) under Section 214 of the Act to provide facilities-based service in accordance with Section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with Section 63.18(e)(2) of the Commission's rules.
- Section 63.18(e)(3) Applicant requests no authorizations other than those under Section 63.18(e)(1) and Section 63.18(e)(2) of the Commission's rules.
- Section 63.18(g) Not Applicable.