

ATTORNEYS & COUNSELORS AT LAW

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### Via Electronic Filing

To: Ms. Marlene H. Dortch

Office of the Secretary

**Federal Communications Commission** 

445 12th Street, S.W. Washington, DC 20554

Re:

Request for Special Temporary Authority (Transfer of Control of International Section

214 Authorization)

Dear Ms. Dortch:

BroadRiver, Inc. ("BroadRiver" or "Transferee"), and Nevada Telecom Solutions, Inc. ("Nevada Telecom" or "Transferor") which is the holding company of the wholly-owned subsidiary Nevada Utilities Company d/b/a "Nevada Telephone" and "Excella Communications" ("Nevada Utilities" or "Licensee" ITC-214-20090219-00095) pursuant to Section 214 of the Communications Act, as amended, 47 U.S.C. § 214 et. al., and Section 63.04 of the Commission's Rules (47 C.F.R. § 63.04) respectfully request expedited Special Temporary Authority ("STA") for the transfer of control of Nevada Utilities, a non-dominant carrier holding authority from the Commission to provide International telecommunications services, to BroadRiver, Inc. a U.S. company that is not a foreign carrier or affiliated with a foreign carrier and which does not have any direct or indirect foreign owners holding an ownership interest of more than 10 percent. The Applicants respectfully request that the Commission grant this STA request as soon as possible and practicable, but no later than March 29, 2010, so that Nevada Utilities can assure that telecommunications services to its customers will continue un-Concurrently with BroadRiver, Nevada Utilities are filing an application for international section 214 authorization and a request for Special Temporary Authority to provide such services pending the grant of such authority. As detailed in the underlying transfer of control application filed herewith and attached to the Application, Nevada Utilities states that it provides domestic interexchange services pursuant to blanket domestic Section 214 authority under Section 63.01(a) of the Commission's Rules, 47 C.F.R. § 63.01(a).



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As of March 1, 2010, BroadRiver has been advised by Nevada Utilities that if control is not assumed of critical network elements and their management, the underlying agreement to acquire Nevada Utilities shall be frustrated and services to end-user consumers will be affected. BroadRiver has entered into an agreement to acquire all of the membership interests of Nevada Utilities and is prepared to continue offering services to current Nevada Utilities customers and must proceed immediately to close the transaction in order to avoid disruption of services to Nevada Utilities' end-user customers. Accordingly, Applicants respectfully request grant of this STA request as soon as possible so that BroadRiver can fund the business and continue providing services to Nevada Utilities' customers. Applicants acknowledge that grant of this request will not prejudice action by the Commission on the underlying Application and that any authority granted pursuant to this request is subject to cancellation or modification upon notice but without a hearing.

Petitions and Supporting Affidavits are hereto attached. Should you have any questions or concerns, do not hesitate to contact me at the address and numbers below.

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Respectfully Submitted,

/s/ Edward A. Maldonado /s/
Edward A. Maldonado, Esq.
Regulatory Counsel for BroadRiver, Inc.

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#### DECLARATION OF MICHAEL LANDRETH

- I, Michael Landreth, do hereby state and declare that:
  - 1. I am the CFO of Transferee BroadRiver, Inc.
  - 2. I am authorized to make this Declaration on behalf of BroadRiver, Inc.
  - 3. The contents of the foregoing request for Special Temporary Authority are true and correct to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct. Executed this

**24** Day of March, 2010.

Michael Landreth

CFO of BroadRiver, Inc.

Cc; Michael Landreth CFO BroadRiver, Inc.

Cc: Nevada Utilities, Inc. d/b/a Nevada Telephone



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#### DECLARATION OF BROADRIVER, INC.

I, Michael Landreth, hereby declare that the following is true and correct to the best of my Knowledge, information and belief:

- I am CFO of BroadRiver, Inc. (a Georgia corporation). My business address is 1000 Hemphill Ave, Atlanta, GA 30318
- 2. I am authorized to make tills Declaration on behalf of BroadRiver, Inc. and Nevada Utilities, Inc. d/b/a "Nevada Telephone" and "Excella Communications."
- 3. Nevada Utilities, Inc. d/b/a Nevada Telephone and "Excella Communications" (ITC-214-20090219-00095) currently provides facilities-based and resold local exchange and interexchange services in the State of Nevada, and primarily in the state of Nevada. Nevada Utilities, Inc. d/b/a Nevada Telephone has approximately 5,500 customers, consisting of approximately 5,000 residential customers and 500 commercial customers in the metropolitan Las Vegas, Nevada region. It offers these services on both an interstate and intrastate basis.
- Nevada Utilities, Inc. d/b/a Nevada Telephone and "Excella Communications" has approximately 5,500 customers.
- 5. BroadRiver, Inc. entered into an agreement to acquire all of the membership interests of Nevada Utilities, Inc. d/b/a Nevada Telephone from its shareholders under an incremental assumption and payment of debt agreement as Nevada Utilities, Inc. was a financially distressed company at the time of the agreement.
- 6. BroadRiver, Inc. is prepared to continue offering services to the existing customers of Nevada Utilities, Inc. d/b/a Nevada Telephone and "Excella Communications".
- 7. As of March 1, 2010, BroadRiver, Inc. has been advised by Nevada Utilities, Inc. d/b/a Nevada Telephone that is critical elements of service are not paid and more aggressively controlled, and absent full payment of debts related to the critical elements of service, the agreement shall become frustrated an the Company will not be in a position to continue service. To prevent this from coming to fruition, and affecting end-user consumers, BroadRiver, Inc. must undertake these liabilities and control at this time.
- 8. The contents of the foregoing filing are true and correct to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct. Executed this

247 Day of March, 2010.

Michael Landreth

CFO of BroadRiver, Inc.

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