

Attachment 1
Application for Special Temporary Authority
To Operate Pursuant to International 214 Authorization

REASONS FOR REQUEST FOR SPECIAL TEMPORARY AUTHORITY

This is a request for Special Temporary Authority (“STA”), submitted pursuant to Section 63.25 of the Commission’s rules, seeking temporary authority to allow Tri-M Communications, Inc. d/b/a TMC Communications (“TMC”), the holder of International 214 Authorization ITC-214-19981218-00897^{1/} (the “214 Authorization”), to continue to operate while the pending 214 Transfer of Control Applications, filed concurrently herewith, seeking Commission approval of a 214 involuntary transfer of control application on behalf of TMC and The Estate of John Marsch (“Marsch Estate”) (collectively known as the TMC-Marsch Estate Transaction) and the 214 Transfer of Control Application on behalf of TMC and 5LINX Enterprises, Inc. (“5LINX”) is completed. TMC respectfully requests 60 days temporary authority while the 214 Application is pending.

TMC’s majority shareholder was originally John Marsch, an individual, who owned 100% percent of the stock and controlling interest in TMC.^{2/} On May 17, 2006, Mr. Marsch passed away and his heirs subsequently inherited his assets equally. The heirs were his daughters, namely Michelle Marsch Cutlip and Melissa Marsch-Baker (through the Melissa Marsch-Baker Trust, administered by Michael Pfau, Trustee.) Mr. Marsch’s heirs were unaware of the notification requirement pursuant to Section 63.24 of the Commission’s rules and did not file the notification of an involuntary transfer of control due to their father’s death.

A Grant of Special Temporary Authority Will Serve the Public Interest. This STA has been filed at the direction of the Commission staff to accompany the filing of the TMC-Marsch Estate Transaction 214 Transfer of Control Application. Grant of the STA is needed to allow TMC to continue to operate its telecommunications network pending Commission action on the TMC-Marsch Estate Transaction 214 Application. TMC’s International 214 license authorized TMC to provide Global or Limited Global Facilities Based and Resale Service between the United States and foreign points. TMC is an active domestic and international carrier, presently providing retail telecommunications services in 48 states. As such, the public interest will be served by granting this STA request to allow uninterrupted provision of TMC’s services. In further support of this request, the Commission is respectfully requested to consider that TMC has acted in good faith to rectify its failure to file for an involuntary transfer of control after John Marsch’s death, admitting its failure to comply with Commission rules, and seeking approval of the Application.

1 The 214 International Authority is listed on the FCC’s International Bureau database in the name of Tri-M Telecommunications, Inc., which is a typographical error as evidenced by a copy of the original Application for 214 International Authority attached hereto as Exhibit A, which sets forth the true name of the company as Tri-M Communications, Inc. d/b/a TMC Communications.

2 John Marsch transferred his shares to the John Marsch Revocable Trust on June 30, 2000. Mr. Marsch was the sole beneficiary of the Trust and controlled the Trust until his death.

Steps Taken by TMC to Ensure Future Compliance with FCC rules. TMC has taken steps to ensure future compliance with Commission rules. To ensure future compliance with FCC rules, TMC will consult with Communications counsel on a regular basis as necessary to remain advised and up to date on Commission regulatory requirements affecting its operations. In addition, TMC will maintain a current copy of Part 63 of the Commission's rules at its headquarters in California, and has appointed Ron Ireland, its President, as Regulatory Compliance Officer of the company responsible for compliance with FCC rules and regulations and coordination with communications counsel

Requested Duration for Special Temporary Authority. TMC requests 60 days temporary authority while the 214 Application is pending. The ownership interests in TMC are held by U.S. citizens.

Acknowledgment. TMC hereby acknowledges that the grant of this STA request will not prejudice any action the Commission may take on the underlying application seeking Commission approval of their 214 International Authority. The parties further acknowledge that this STA can be revoked by the Commission upon its own motion without a hearing.