

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
NexUStel, LLC) **IB File No.** _____
 Assignor)
)
and)
)
One World Telecom, LLC)
 Assignee)
)
Application for Consent to Assign Assets from)
NexUStel, LLC, a Company Holding)
International Authorization Pursuant to)
Section 214 of the Communications Act of 1934,)
As Amended, to One World Telecom, LLC)

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

NexUStel, LLC (“NexUStel”) (FRN 0021064894) and One World Telecom, LLC (“One World” and together with NexUStel, the “Applicants”) (FRN: 0015327851) hereby request special temporary authority (an “STA”), pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. §214 (the “Act”), for the assignment of certain assets from NexUStel to One World. Concurrent with the submission of this STA request, NexUStel and One World are filing an application for permanent authority for this asset transfer (“Application”). A copy of the Application is provided as Appendix A to this filing. In order to facilitate resolution of related discussions with the Commission’s Enforcement Bureau, the Applicants request expeditious grant of this STA request.

The Applicants

As discussed in the Application, NexUSStel, a Delaware limited liability company, operated as a small switchless reseller of prepaid international long distance service until its cessation of operations in August 2009. NexUSStel offered a “pinless” service based upon calling credits purchased through the NexUSStel website. One World, a Florida limited liability company, is a nondominant carrier that provides interstate and international pin-free prepaid telecommunications services. One World is owned 50% by Business Telecommunications Services, Inc. (“BTS”) and 50% by Telco Equipment & Support Services, Inc. (“TESS”), both of which are Florida corporations. (“BTS”) is wholly owned by BTS Group, Inc. (“BTS Group”), a Delaware holding company which, in turn is owned by Rafael Olloqui and Ricardo Olloqui, who are both citizens of Spain. TESS is owned by Laurent Lamothe and Patrice Baker, who are both citizens of Haiti. One World is not a foreign carrier and is not affiliated with either a foreign carrier or a dominant US carrier. It has no interlocking directorates with foreign carriers.

The Transaction

In August, 2009, when NexUSStel found itself irretrievably short of operating capital, the Company ceased operations. At that time, NexUSStel had approximately 700 open prepaid accounts with a balance of approximately \$5,000. Barring some form of intervention, those accounts would have become instantly worthless to the associated customers. Instead, NexUSStel arranged with another international telecommunications service provider, One World, to honor the remaining account balances. Thereafter,

customer calls placed to the NexUSStel access number(s) were routed to One World to process.¹

For reasons discussed at greater length in the Application, NexUSStel and One World did not believe that this arrangement constituted an assignment of assets, requiring Commission approval. Currently, One World is engaged in discussions of this matter with Enforcement Bureau (“Bureau”) Staff. NexUSStel and One World continue to believe that approval of the arrangement was not required; however, they have agreed to a Bureau request that they seek approval of the transaction in order to permit resolution of the pending inquiry. Additionally, to facilitate efficient closure of the matter, Applicants are submitting this request for an STA in order to “regularize” the current situation and allow the Bureau to move forward.

Public Interest Considerations

Grant of this STA Request will serve the public interest. As noted, it will “regularize” the current status quo. Moreover, grant of the STA will facilitate the Bureau’s ability to resolve the pending inquiry. At the same time, grant of this request will have no adverse effect upon consumers, including former NexUSStel customers.

NexUSStel and One World acknowledge that grant of this STA Request will not prejudice any action the Commission may take on the Application and that, once granted, the STA may be revoked on the Commission’s own notice, without hearing. NexUSStel and One World further acknowledge that grant of an STA and of the Application will

¹ Of the 780 NexUSStel credit accounts involved, 104 had no activity after the August 2009 “transfer.” All but 8 of the remaining accounts were completely depleted within two months of the transfer. Those 8 remaining accounts, which have had no usage since October 2009, today represent a total credit balance of \$96.22.

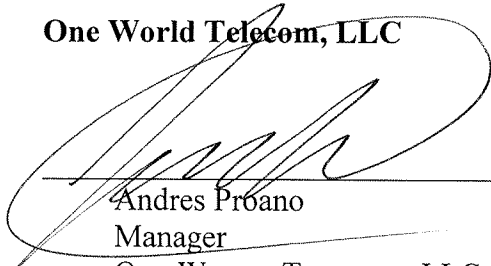
neither preclude nor dictate the scope of any enforcement action related to the underlying transaction.

For these reasons, NexUSTel and One World ask that the Commission grant this STA request as expeditiously as possible.

Respectfully submitted,

One World Telecom, LLC

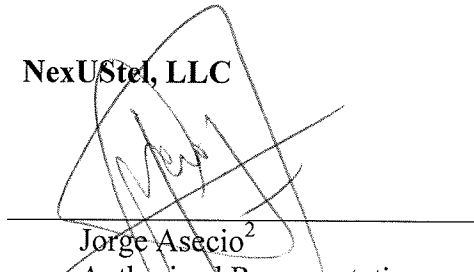
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Date: August 8, 2011

² Mr. Asecio was President of NexUSTel through its cessation of operations in 2009. He also held the position of President of Nexitos, LLC, which was the managing member of NexUSTel from late 2008 through NexUSTel's shutdown. (NexUSTel's ownership transferred to Nexitos, LLC via a "management buyout" transaction consummated in December 2008. This change in ownership had been granted Special Temporary Authority by the Commission and an application for permanent approval was pending when NexUSTel ceased operations.)

Appendix A

**Application for Consent to Assign Assets from NexUStel, LLC, a Company
Holding International Authorization Pursuant to Section 214 of the
Communications Act of 1934, As Amended, to One World Telecom, LLC**

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
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NexUStel, LLC)	IB File No. _____
<i>Assignor</i>)	
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and)	
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One World Telecom, LLC)	
<i>Assignee</i>)	
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Application for Consent to Assign Assets from)	
NexUStel, LLC, a Company Holding)	
International Authorization Pursuant to)	
Section 214 of the Communications Act of 1934,)	
As Amended, to One World Telecom, LLC)	

APPLICATION

NexUStel, LLC (“NexUStel”) and One World Telecom, LLC (“One World” and, together with NexUStel, the “Applicants”) hereby request authority, pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. §214 (the “Act”) and to Commission Rule §63.24, 47 C.F.R. §63.24, for the assignment of certain assets from NexUStel to One World.

Until August 12, 2009, NexUStel operated as a small switchless reseller of prepaid international long distance service, offering a “pinless” service based upon calling credits purchased through the NexUStel website. Following several unsuccessful efforts to reorganize its operations and lacking sufficient operating capital, NexUStel abruptly ceased operations.¹ In an effort to spare customers the loss of their prepaid services, however, NexUStel made

¹ See August 24, 2009 letter to Marlene H. Dortch from Jorge Asecio at NexUStel (notifying the Commission regarding NexUStel’s cessation of operations effective August 12, 2009). The letter is stamped “Granted” with a September 02, 2009 date.

arrangements for another international provider, One World, to honor the remaining credit balances. For reasons discussed below, NexUStel and One World did not believe that the arrangement constituted a transfer of assets requiring prior Commission approval and proceeded accordingly. Subsequent discussions with Enforcement Bureau (“Bureau”) Staff have ensued and, in response to a Bureau request, the Applicants are filing this application to “regularize” the transaction and permit completion of a negotiated settlement.

The Applicants respectfully request streamlined treatment of this Application pursuant to Section 63.12 of the Commission’s Rules, 47 C.F.R. §63.12. This Application is eligible for streamlined processing because (i) Applicants are not affiliated with a dominant foreign carrier, (ii) Applicants will not become affiliated with any foreign carrier as a result of the proposed transaction, and (iii) none of the other provisions contained in Section 63.12(c) of the Commission’s Rules, 47 C.F.R. § 63.12(c), apply.

I. APPLICANTS

NexUStel

NexUStel (FRN 0021064894), a Delaware limited liability company, was headquartered at 9700 South Dixie Highway, Suite 550, Miami, Florida 33156. Prior to its cessation of service, NexUStel provided international telecommunications services pursuant to global or limited global resale authority granted by the Commission.² Consistent with this business model, NexUStel did not own or operate any telecommunications lines or other transmission facilities. In NexUStel’s last Form 499-A update, the Company indicated that it offered service to

² NexUStel was granted international operating authority in File No. ITC-214-20080422-00193 on May 9, 2008.

customers in 49 states and the Northern Mariana Islands.³ NexUSTel sold international prepaid telecommunications services through its website, offering a “pinless” service by which customers could purchase credits online. As noted, NexUSTel ceased operations in August 2009, when efforts to obtain critical financing were unsuccessful.

One World

One World (FRN:0015327851) is a Florida limited liability company located at 2620 S.W. 27th Avenue, Miami, FL 33133 (tel: 786-664-6100, extension 6623). One World holds an international Section 214 license to provide global and limited global facilities-based services.⁴ Operating under the name NOPIN, One World provides interstate and international pin-free prepaid services, tailoring its service offerings to immigrant communities.⁵ Customers register the phone numbers from which their calls will be made and, using ANI recognition, One World associates each call with the correct prepaid account. One World also has a subsidiary operating company, YO LLAMO, LLC, which provides interexchange services to customers in Florida as an interconnected Voice-over-Internet-Protocol provider.

One World is owned 50% by Business Telecommunications Services, Inc. and 50% by Telco Equipment & Support Services, Inc., both of which are Florida corporations. There are no

³ At the time of its operational shutdown, NexUSTel was under interim ownership of an affiliate, Nexitos, LLC, pursuant to Special Temporary Authority (“STA”) granted by the Commission. The STA was issued pending approval of a related transaction by which 50% interest in NexUSTel would be acquired by Greentel, LLC, an outside investor. The Greentel, LLC negotiations subsequently fell through, directly contributing to the shutdown of NexUSTel’s operations.

⁴ One World’s Section 214 authorization was granted in File No. ITC-214-20040116-00018 on February 13, 2004.

⁵ One World’s most recent 499-A filing indicates that it provides service in Florida.

interlocking directorates with a foreign carrier. One World is not affiliated with any foreign carriers.⁶

II. DESCRIPTION OF THE TRANSACTION

In August 2009, NexUSStel found itself without sufficient capital to continue operations.⁷ NexUSStel's customers faced the prospect of sudden loss of service with little or no notice. At this time, NexUSStel had approximately 700 outstanding prepaid accounts with a balance of approximately \$5,000. In order to prevent a sudden loss of service to those customers holding credit balances, NexUSStel contacted One World Telecom for assistance. One World agreed to honor the remaining balances of these existing accounts.⁸ Thereafter, NexUSStel routed calls to its access number to One World.

For several reasons, Applicants did not believe that this arrangement constituted an assignment of assets or that it required advance Commission approval. No consideration was paid by One World for its commitment to honor the NexUSStel customer credits and One World

⁶ One World is affiliated, by virtue of common ownership, with certain other providers of telecommunications services, including BTS Group, Inc., which holds Section 214 authority (ITC0214-20010921-00482) and its wholly-owned subsidiaries, Business Telecommunications Services, Inc., ADMA Telecom, Inc. and BTS Global, Inc., all of whom operate pursuant to the BTS Group, Inc. international authority. None of these entities is a foreign carrier or is affiliated with a foreign carrier and none is a dominant U.S. carrier.

⁷ The Company had struggled for almost two years to raise capital, eventually negotiating a change in ownership in order to obtain key investment funding. *See, Joint Application of Cassara Acquisition Group, LLC ("Transferor") and Nexitos, LLC ("Transferee") for Grant of Authority Pursuant to Section 214 of the Communications Act of 1934, as amended, to Transfer Control of NexUSStel, LLC ("Licensee")*, WC 09-53, (filed April 9, 2009); *Joint Application of Nexitos, LLC, Transferor, NexUSStel, LLC, Licensee, and Greentel, LLC, Transferee, For Grant of Authority Pursuant to Section 214 of the Communications Act of 1934, as amended, and Sections 63.04 and 63.24 of the Commission's Rules to Complete a Transfer of Control of Authorized Domestic and International Section 214 Carrier*, WC 09-57 (filed Apr. 21, 2009).

⁸ As noted, the total credit balance assumed by One World was approximately \$5,000. Of the 780 NexUSStel credit accounts involved, 104 had no activity after the August 2009 "transfer." All but 8 of the remaining accounts were completely depleted within two months of the transfer. Those 8 remaining accounts, which have had no usage since October 2009, today represent a total credit balance of \$96.22.

did not acquire any customers or contracts as a result of the arrangement. Moreover, the responsibility to honor the NexUStel credits had no associated asset value – if anything, it represented a liability on One World’s books. Consequently, the Applicants believed that there had been no sale as such and no transfer of assets to be reported.

One World currently is in discussion with Enforcement Bureau Staff regarding this matter. The Applicants do not believe that Commission approval of this arrangement is required; however, at the Bureau’s request, they have agreed to file for such approval in order to resolve the pending inquiry.⁹ Commission approval of this application will facilitate closure of the matter.¹⁰

III. PUBLIC INTEREST STATEMENT

Commission approval of this application will serve the public interest. First, the transaction itself was wholly consistent with the public interest. But for the timely arrangement between NexUStel and One World, a number of innocent consumers would have lost the value of their prepaid calling credits. The remaining credits would have become instantly worthless with the shutdown of NexUStel operations. Instead, as a consequence of the agreement reached between NexUStel and One World, holders of calling credits were spared that loss. The service credits purchased by NexUStel’s customers remained available at the same rates, terms and conditions as when the customers purchased the prepaid minutes.

⁹ By submitting this filing, Applicants make no concession regarding the purported requirement for prior Commission approval of the NexUStel/ One World arrangement. Similarly, Applicants do not waive any rights they may have in connection with the associated Enforcement Bureau investigation.

¹⁰ At the request of Enforcement Bureau Staff and in order to regularize the status of the NexUStel/One World arrangement expeditiously, the Applicants are filing a concurrent request for Special Temporary Authority.

It is evident that the transfer of responsibility from NexUStel to One World to honor the prepaid calling credits in question has had no adverse effect on the owners of those credits. Similarly, the arrangement has had no anti-competitive effects whatsoever. The total amount of credits honored was minor and it is unlikely that any other carrier would have been willing to shoulder that financial responsibility without compensation or demonstrable future benefit.

Finally, approval of this application will facilitate completion of current negotiations with the Enforcement Bureau. The arrangement between NexUStel and One World will be “regularized,” a negotiated resolution with the Enforcement Bureau can be implemented and all parties to the matter can reach closure and move forward.

IV. INFORMATION REQUIRED BY SECTION 63.24(e) OF THE COMMISSION’S RULES

The Applicants submit the following information pursuant to Section 63.24(e) of the Commission’s Rules, including the information requested in Section 63.18:

(a) Name, address and telephone number of Applicants:

NexUStel, LLC (Assignor – last address on file)
9700 South Dixie Highway, Suite 550
Miami, Florida 33156
Tel # 786-464-8808

One World Telecom, LLC (Assignee)
2620 S.W. 27th Avenue
Miami, FL 33133
Tel #786-664-6100 extension 6623

(b) NexUStel is a Delaware limited liability company. One World is a Florida limited liability company.

- (c) Correspondence concerning this Application should be sent to:

Steven A. Augustino
Winafred Brantl
Kelley Drye & Warren LLP
3050 K Street, N.W.
Washington, D.C. 20007
Tel: (202) 342-8400
saugustino@kelleydrye.com
wbrantl@kelleydrye.com

- (d) NexUSTel was granted global or limited global resale authority by the Commission on May 9, 2008 in File No. ITC-214-20080422-00193. One World Telecom holds an international Section 214 license to provide global or limited global facilities-based international telecommunications services, granted in File No. ITC-214-20040116-00018 on February 13, 2004.
- (h) Business Telecommunications Services, Inc. (“BTS”), a Florida corporation located at 2620 SW 27th Avenue, Miami, Florida 33133 holds 50% direct interest in One World. The principal business of BTS is telecommunications. BTS, in turn, is wholly owned by BTS Group, Inc. (“BTS Group”), a Delaware holding company located at 2620 SW 27th Avenue, Miami, Florida 33133. Through its ownership of BTS, BTS Group holds 50% interest in One World. BTS Group is owned by Rafael Olloqui and Ricardo Olloqui, who are both citizens of Spain, with an address at 2620 SW 27th Avenue, Miami, Florida 33133. The principal business of both Rafael Olloqui and Ricardo Olloqui is telecommunications and each holds 25% interest in One World through the ownership interest in BTS Group.

Telco Equipment & Support Services, Inc. (“TESS”), a Florida corporation located at 1000 Brickell Avenue, Suite 610, Miami, Florida 33131, holds the remaining 50% direct interest in One World. The principal business of TESS is telecommunications. TESS is owned by Laurent Lamothe and Patrice Baker, who are citizens of Haiti, located at 1000 Brickell Avenue, Suite 610, Miami, Florida 33131. The principal business of both Laurent Lamothe and Patrice Baker is telecommunications and each holds 25% interest in One World through the ownership interest in TESS.

One World has no interlocking directorates with any foreign carrier.

- (i) As evidenced by the signatures to this Application, Applicants certify that, following consummation of the transaction, (a) Applicants will not be foreign carriers, and (b) Applicants will not be affiliated with any foreign carrier.

- (j) As evidenced by the signatures to this Application, Applicants certify that they do not seek to provide international telecommunications services to any destination country where, once the transaction closes, (a) Applicants are foreign carriers; (ii) Applicants control a foreign carrier; (iii) any entity that owns more than 25 percent of Applicants, or that controls Applicants, controls a foreign carrier in that country; or (iv) two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate, more than 25 percent of Applicants and are parties to, or the beneficiaries of, a contractual relation affecting the provision or marketing of international basic telecommunications services in the United States.
- (k) Not applicable.
- (l) Not applicable.
- (m) Not applicable.
- (n) As evidenced by the signatures to this Application, the Applicants certify that they have not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses market power on the foreign end of the route, and that the Applicants will not enter into such agreements in the future.
- (o) As evidenced by the signatures to this Application, Applicants certify that, pursuant to Sections 1.2001 through 1.2003 of the Commission's Rules, they are not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) Applicants requests streamlined processing of this Application pursuant to Section 63.12 of the Commission's Rules, 47 C.F.R. § 63.12. This Application qualifies for streamlined treatment under Section 63.12(c) of the Commission's Rules, because (i) post-close, Applicants will not be affiliated with any foreign carrier; (ii) Applicants are not affiliated with any dominant U.S. carrier whose international switched or private line services Applicants seek authority to resell, nor will Applicants be so affiliated post-close, and (iii) none of the other scenarios outlined in Section 63.12(c) of the Commission's Rules, 47 C.F.R. § 63.12, applies.

V. CONCLUSION

Based on the foregoing, the Applicants respectfully submit that the public interest, convenience, and necessity will be furthered by grant of this Application.

Respectfully submitted,

One World Telecom, LLC

By: _____

Andres Proano
Manager

ONE WORLD TELECOM, LLC
2620 S.W. 27th Avenue
Miami, FL 33133

NexUSTel, LLC

By: _____

Jorge Asecio¹¹
Authorized Representative

NEXUSTEL, LLC
c/o Nexitos, LLC
9700 South Dixie Highway. Suite 550
Miami, FL 33156

Dated: August 9, 2011

¹¹ Mr. Asecio was President of NexUSTel through its cessation of operations in 2009. He also held the position of President of Nexitos, LLC, which was the managing member of NexUSTel from late 2008 through NexUSTel's shutdown. (NexUSTel's ownership transferred to Nexitos, LLC via a "management buyout" transaction consummated in December 2008. This change in ownership had been granted Special Temporary Authority by the Commission and an application for permanent approval was pending when NexUSTel ceased operations.)