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December 19, 2011

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: ITC-ASG-20110812-00261, ITC-STA-20110812-00262 and ITC-STA-20111020-00321  
Request for Extension of Special Temporary Authority

Dear Ms. Dortch:

NexUStel, LLC (“NexUStel”) and One World Telecom, LLC (“One World” and together with NexUStel, the “Applicants”), pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. §214, hereby request a 180-day extension of the Special Temporary Authority (“STA”) currently in effect with respect to the assignment of certain assets from NexUStel to One World. Applicants understand that the Department of Justice, Federal Bureau of Investigation, and the Department of Homeland Security (“Executive Branch Agencies” or “Team Telecom”) have no objection to this request for an extension of the current STA.<sup>1</sup>

*Background*

In August, 2009, lacking adequate financial resources to continue operations, NexUStel abruptly ceased operations. At that time, NexUStel had approximately 700 open prepaid accounts with a balance of approximately \$5,000. To prevent those accounts from instantly losing value, NexUStel arranged with another international telecommunications service provider, One World, to honor the remaining account balances. Thereafter, customer calls placed to the NexUStel access number(s) were routed to One World to process.<sup>2</sup>

<sup>1</sup> See December 9, 2011 email to George Li from Siobhan Dupuy on behalf of Team Telecom.

<sup>2</sup> Of the 780 NexUStel 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

For reasons discussed at greater length in the Application, NexUStel 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 Staff. NexUStel 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. Applicants filed their application for approval of an asset transfer on August 12, 2011.<sup>3</sup> Additionally, Applicants submitted a request for grant of an STA in order to “regularize” the current situation as quickly as possible.<sup>4</sup> On August 23, 2011, the Commission granted an STA to the Applicants for a sixty-day period.<sup>5</sup> The STA was extended for an additional 60-day period on October 21, 2011 and is scheduled to expire on December 20, 2011.<sup>6</sup>

#### *Current Status*

In connection with the underlying application, Applicants have responded to inquiries from International Bureau (“IB”) Staff and to a data request from Team Telecom.<sup>7</sup> Applicants are engaged in discussion with IB Staff regarding certain aspects of the responses and Team Telecom indicates that its review is not yet completed. Accordingly, in order to allow the necessary time for completion of reviews by IB Staff and Team Telecom, One World and NexUStel request an extension of the current STA.

#### *Public Interest Considerations*

As discussed in the underlying application, One World is a nondominant carrier that provides interstate and international pin-free prepaid telecommunications services. NexUStel, prior to the cessation of its operations, was a small switchless reseller of prepaid international long distance services.

Also as discussed in the application, the transaction for which approval is now sought was itself 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

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October 2009, today represent a total credit balance of \$96.22.

<sup>3</sup> *NexUStel, LLC, 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, ITC-ASG-20110812-00261* (filed Aug. 12, 2011).

<sup>4</sup> *NexUStel, LLC, 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, ITC-STA-20110812-00262* (filed Aug. 12, 2011).

<sup>5</sup> File No. ITC-STA-20110812-00262.

<sup>6</sup> File No. ITC-STA-20111020-00321.

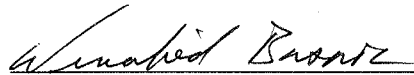
<sup>7</sup> *DOJ Triage Questions: Questions for FCC 214TC Assignment or Transfer of Control Applicants Reviewed by Team Telecom FCC File Number: (ITC-ASG-20110812-00261)*, issued Sept. 7, 2011.

of their prepaid calling credits 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. Further, it is also clear 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. Nor has the transaction had any 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.

Grant of this request to extend the current STA will serve the public interest. As previously, it will "regularize" the current status quo for the remainder of the time necessary to process the Applicants' underlying application. Moreover, grant of the STA will facilitate the Enforcement 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 NexUStel customers.

Applicants acknowledge that grant of this request will not prejudice action by the Commission on the underlying application, that any authority granted pursuant to this request is subject to cancellation or modification upon notice but without a hearing and that grant of this request will not impact any enforcement action by the Commission.

Respectfully submitted,



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