

**REQUEST FOR SPECIAL TEMPORARY AUTHORITY**

**ATTACHMENT 1**

**ANSWER TO QUESTION 10**

Next Communications, Inc., formerly known as Next Communication, Inc. (“Next Communications”), hereby requests Special Temporary Authority (“STA”) to continue to provide service pursuant to international Section 214 authorization, File No. ITC-214-19990107-00014, for 60 days pending grant of an application for authority to transfer control of this authorization to Next Communications’ current ownership.

Contemporaneous with this application for STA, Next Communications is filing an application to update the Commission’s records concerning the ownership of the company. As explained in that application, Next Communications was formed on February 13, 1998. As the company was continuing to sell shares and finalize financing, it filed an application for international Section 214 authority on January 7, 1999.<sup>1</sup> As part of that application, Next Communications reported ownership by David Halpern and Sylwin Grinman. That application was granted in March 1999.<sup>2</sup> Thereafter, David Halpern and Sylwin Grinman did not provide the expected financing. Rather, Arik Meimoun, the current Chief Executive Officer, financed the company and acquired 100% of its shares in 1999. Later, Mr. Meimoun sought additional investment from other individuals and entities to continue to finance the company.

- On April 23, 2004, the company sold shares to investors with the resulting ownership :
  - Arik Meimoun – 3,500 shares – 35%
  - Engin Yesil – 2,250 shares – 22.5%
  - Guyen Kivilcim – 750 shares – 7.5%
  - Ephram Yeoshoua – 500 shares – 5.0%
  - Nextcomm Investors, Inc. – 3,000 shares – 30%
  
- In May 3, 2010, the company redistributed shares to achieve the present ownership:
  - Arik Meimoun – 4,700 shares – 50%
  - Engin Yesil – 3,525 shares – 37.5%
  - Ali Guven Kivilcim – 1,175 shares – 12.5%

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<sup>1</sup> See *Next Communication, Inc., Application for Authority Pursuant to Section 214 of the Communications Act of 1934 , as amended, for Global Authority to Operate as an International Facilities-based and Resale Carrier*, File No. ITC-214-19990107-00014 (filed Jan. 7, 1999).

<sup>2</sup> See *Overseas Common Carrier Section 214 Applications and Section 310(b)(4) Actions Taken*, Public Notice, Report No. TEL-00070, DA 99440, File No. ITC-214-19990107-00014 (Mar. 4, 1999).

- On January 29, 2009, the name of the company was officially changed from Next Communication, Inc. to Next Communications, Inc.

Since 1999, Mr. Meimoun has held *de facto* control of the company. He has been the company's Chief Executive Officer since 1999. He controls all hiring and firing, operational, and strategic decisions and the day-to-day management of the company. The changes in Mr. Meimoun's equity ownership in April 2004 and May 2010, however, resulted in non-substantial (*pro forma*) changes in *de jure* control of the company. Today, as in 1999, Mr. Meimoun holds both *de jure* and *de facto* control of Next Communications.

Next Communications regrets its failure to seek authority from the Commission for Mr. Meimoun's ownership of the company and to notify the Commission within 30 days following *pro forma* changes that have occurred since Mr. Meimoun took control of the company. Next Communications takes very seriously its obligations as an FCC licensee and has taken steps to ensure that any subsequent changes in control are properly authorized by or timely notified to the Commission.

Next Communications provides wholesale long distance voice, data, and video services for wired and wireless telecommunications carriers. Grant of this STA request is in the public interest because it will allow the company to continue providing service to customers in conformance with the Commission's rules pending grant of the company's transfer of control application to update the Commission regarding Next Communications' current ownership.

### **ANSWER TO QUESTION 12**

#### **Section 63.18(i):**

Next Communications is not a foreign carrier, but is affiliated with ATSI Comunicaciones SA de CV, a telecommunications company in Mexico. Next Communications has no other foreign carrier affiliations.

#### **Section 63.18(j):**

Next Communications certifies that it will provide service to Mexico, where it is affiliated with a foreign carrier, ATSI Comunicaciones SA de CV.

#### **Section 63.18(k):**

Mexico is a WTO member country.

#### **Section 63.18(l):**

Pursuant to Section 63.10 of the Commission's rules, 47 C.F.R. § 63.10, Next Communications qualifies for non-dominant classification on the route between the United States and Mexico

because ATSI Comunicaciones SA de CV has no market power in Mexico. *See id.* § 63.10(a)(3). ATSI Comunicaciones SA de CV provides wholesale national and international long distance services in Mexico. ATSI Comunicaciones SA de CV lacks 50 percent market share in the international transport and the local access markets in Mexico and is not listed on the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets.<sup>3</sup> As such, Next Communications is presumptively classified as non-dominant on the U.S.-Mexico route.

**Section 63.18(m):**

See response to Section 63.18(l).

**ANSWER TO QUESTION 13**

See response to Question 12.

**ANSWER TO QUESTION 14**

See response to Question 12.

**ANSWER TO QUESTION 16**

**Section 63.16(d):**

Next Communications holds the international Section 214 authorization that is the subject of this application, File No. ITC-214-19990107-00014 (authority to provide global facilities-based and resold services).

**Section 63.18(e)(3):**

Next Communications is not applying for authority to acquire facilities or to provide services not covered by Sections 63.18(e)(1) and (e)(2) of the Commission's rules, nor is it seeking additional authority under Section 63.18(e)(3).

**Section 63.18(g):**

Not applicable.

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<sup>3</sup> *The International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, DA 07-233 (Jan. 26, 2007).

**ATTACHMENT 2**

**ANSWER TO QUESTION 15**

**Ownership:**

The following individuals have a ten percent or greater direct ownership interest in Next Communications:

Direct Shareholder Name: Arik Meimoun  
Address: 450 Alton Road, No 1102, Miami Beach, Florida 33139  
Citizenship: United States  
Principal Business: Telecommunications  
Percentage Equity and Voting Ownership in Next Communications: 50%

Direct Shareholder Name: Engin Yesil  
Address: 40 Star Island Drive, Miami Beach, Florida 33139  
Citizenship: Turkey  
Principal Business: Real Estate  
Percentage Equity and Voting Ownership in Next Communications: 37%

Direct Shareholder Name: Ali Guven Kivilcim  
Address: 436 Alamanda Drive, Hallandale, Florida 33009  
Citizenship: United States  
Principal Business: Telecommunications  
Percentage Equity and Voting Ownership in Next Communications: 13%  
No other person or entity has a direct or indirect, voting or equity ten percent or greater ownership interest in Next Communications.

**Interlocking Directorates:**

Arik Meimoun, the Chief Executive Officer of Next Communications, is the General Manager of ATSI Comunicaciones SA de CV, a telecommunications company in Mexico.