

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Application of Orlando Telephone Company, Inc.)	File Nos. ITC-STA-20121029-000280
dba Summit Broadband and)	ITC-T/C-20121029-000274
Summit Vista Inc. for Authority Pursuant to)	
Section 214 of the Communications Act of 1934,)	
as amended, and Sections 63.04 of the)	
Commission's Rules to Complete a Transfer of)	
Control of Orlando Telephone Company, Inc.,)	
an Authorized Domestic Section 214 Carrier, to)	
Summit Vista Inc.)	

JOINT REQUEST FOR EXTENSION OF SPECIAL TEMPORARY AUTHORITY

Orlando Telephone Company, Inc. dba Summit Broadband (“Orlando Telephone”) and Summit Vista Inc. (“Summit Vista”) (collectively, the “Companies”), pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.25 of the Commission’s Rules, 47 C.F.R. § 63.25, respectfully jointly request an extension of their special temporary authority, previously granted by the Commission, to consummate the transfer of control of Orlando Telephone to Summit Vista, as described in their above-captioned application. Specifically, the Companies seek special temporary authority beginning no later than January 28, 2013, and ending on February 28, 2013, or until such date as the Commission grants the Companies’ underlying transfer of control application, whichever event occurs first.

Background. The above-captioned application of Orlando Telephone for transfer of control to Summit Vista, Inc. was filed October 24, 2012 and accepted for filing on a streamlined basis by Public Notice Report No. 01589S, released November 23, 2012 (File No. ITC-T/C-20121029-000274). Shortly thereafter, on November 27, 2013, the International Bureau granted the Parties’ joint request for special temporary authority, ending January 28, 2013. By

subsequent Public Notice, Report No. 01593S, released December 7, 2013, the Bureau announced that it had removed the application from streamlined processing pursuant to Section 63.12(c)(3) of the Commission's rules. This action did not affect the Bureau's previous grant of special temporary authority.

Concurrently with their review of the above-captioned transfer of control application for Orlando Telephone, the Executive Branch agencies are also reviewing the application for transfer of control of US Metropolitan Telecom, LLC, a Florida limited liability company providing resold local and interstate telecommunications and facilities-based local services to subscribers in Florida, from its current owner, FiberCon Holdings, LLC, to Summit Vista. Public Notice DA 12-1837, released November 14, 2012, WC Docket No. 12-331; Public Notice DA 12-1972, released December 6, 2012.

On December 7, 2012, the Executive Branch agencies presented to Orlando Telephone, US Metropolitan Telecom and Summit Vista a set of DOJ Triage Questions, asking the parties to submit their complete responses as soon as possible. The parties did so on December 12, 2012, and have received no further requests for information from the Executive Branch agencies.

Relief Requested. The Companies respectfully submit that the relief sought herein is appropriate and would service the public interest. As noted in their initial Joint Request for Special Temporary Authority, pursuant to the terms of the Agreement and Plan of Merger by and among Cable Bahamas Ltd. (the parent company of Summit Vista), Summit Broadband, Inc. and certain of the shareholders of Summit Broadband, Inc., the parties were required to consummate their proposed merger, resulting in the transfer of control of Orlando Telephone, on or before December 15, 2012. The Agreement and Plan of Merger empowered Summit Broadband to

terminate the Agreement if the merger did not occur as scheduled, and, in such event, obligated Cable Bahamas Ltd. to pay a substantial breakup fee.

Although the parties had special temporary authority to consummate the Orlando Telephone transaction prior to December 15, 2012, they elected not to do so for two reasons: First, under the terms of the Agreement and Plan of Merger, the parties contemplated that Summit Vista would acquire control of US Metropolitan Telecom concurrently with the proposed merger. Since US Metropolitan Telecom had no special temporary authority of its own, and the Executive Branch agencies were reviewing both the Orlando Telephone and US Metropolitan Telecom applications concurrently, the separate consummation of the Orlando Telephone transaction was not feasible. Secondly, as December 15, 2012, the parties were still awaiting required prior regulatory approval from the Government of The Bahamas, which exercises jurisdiction over Cable Bahamas, Summit Vista's corporate parent.

Although the parties did not consummate their planned merger and transfer of control on December 15, 2012, as originally planned, Summit Broadband has elected not to terminate the Agreement, and the parties have agreed to extend the deadline for consummation of the Orlando Telephone merger until February 28, 2013 (on which date Cable Bahamas will be required to pay a substantial reverse termination fee if the transaction is not consummated). The parties have further agreed to bifurcate the US Metropolitan Telecom transaction, so as to allow the consummation of the Orlando Telephone merger while the US Metropolitan Telecom application is still pending. At the same time, while the Government of The Bahamas has not yet approved the proposed transactions, based on discussions with Government officials Cable Bahamas expects to receive such approval with the next 30 days. In anticipation of this event, the parties

have agreed to extend the deadline for consummation of the proposed merger to February 28, 2013.

The parties seek an extension of their special temporary authority to enable them to consummate their planned merger immediately after they have received requisite regulatory approval from the Government of The Bahamas. While the parties hope to receive regulatory approval from the Executive Branch agencies and the Commission before the Government of The Bahamas has acted, special temporary authority will enable them to consummate their transaction even while Executive Branch agency and Commission review are pending.

Granting an extension of special temporary authority will also serve the public interest by hastening Cable Bahamas to infuse the necessary capital into Orlando Telephone to enable the company to compete effectively in the increasingly competitive marketplace for telecommunications services in central Florida. At present, Orlando Telephone Company is deploying a Gigabit broadband access network in Central Florida utilizing a fiber to the premises architecture. This current network serves campus housing and residential neighborhoods in Orange and Osceola counties. This capital intensive network deployment will be accelerated by the infusion of capital in the company by Cable Bahamas, and such support will enable Orlando Telephone to continue to upgrade its network and to offer new and innovative services, including broadband services in a manner consistent with the Commission's policy of encouraging broadband deployment throughout the United States.

In further support of this request for special temporary authority, the Companies urge the Commission to note again that, in prior rulings, the Commission has affirmed the qualifications of both Orlando Telephone and Cable Bahamas Ltd, the parent company of Summit Vista, and found that grant of international operating authorizations to Orlando Telephone and CBL

subsidiaries Caribbean Crossings Ltd., Trinity Communications Ltd. and Systems Resource Group would serve the public interest.

Accordingly, the Companies urge the Commission to grant this request for special temporary authority in order to enable them to consummate the proposed transfer of control between January 28, 2013 and February 28, 2013. The Companies hereby acknowledge that grant of this request will not prejudice action by the Commission on the underlying applications, and that any authority granted pursuant to this request is subject to cancellation or modification upon notice but without a hearing.

Respectfully submitted,



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