

Streamlined ITC-STA-20200219-00033  
IB2020000408  
Jaguar Communications, Inc

FEB 26 2020

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

**Granted**  
date: February 26, 2020  
authorized by: Chief, Telecommunications  
and Analysis Division, International Bureau  
signature: Alexis Coca

ITC-T/C-20200219-00029

Expires: August 24, 2020

In the Matter of )

Jaguar Communications, Inc., )

Amended Application for Special Temporary )  
Authority to Continue to Operate as a )  
Telecommunications Carrier Under International )  
Section 214 Authority Pursuant to the )  
Communications Act of 1934, as Amended, )  
Notwithstanding Transfer of Control from )  
Provincial Real Estate Holdings, LLC to James )  
T. Ward. )

IB File No. ITC-STA-20200219-00033

**AMENDED APPLICATION OF JAGUAR COMMUNICATIONS, INC. FOR SPECIAL  
TEMPORARY AUTHORITY TO CONTINUE TO OPERATE AS A  
TELECOMMUNICATIONS CARRIER UNDER INTERNATIONAL SECTION 214  
AUTHORITY, NOTWITHSTANDING TRANSFER OF CONTROL FROM  
PROVINCIAL REAL ESTATE HOLDINGS, LLC TO JAMES T. WARD**

Pursuant to Section 214 of the Communications Act, 47 U.S.C. § 214, Jaguar  
Communications, Inc. (“Jaguar” or “Applicant”) hereby requests special temporary authority  
 (“STA”) to continue to operate as a telecommunications carrier, notwithstanding the transfer of  
control of Jaguar from Provincial Real Estate Holdings, LLC (“Provincial”) to James T. Ward as  
of January 1, 2018, as further described below. Jaguar provides competitive telecommunications  
services pursuant to an international Section 214 authorization. Provincial and James T. Ward  
filed a Joint Application to Transfer Control of Jaguar Communications, Inc. from Provincial

Real Estate Holdings, LLC, to James T. Ward, CC Docket No. 20-48, IB File No. ITC-T/C-20200219-00029 (filed Feb. 19, 2020).<sup>1</sup>

This transfer of control occurred without seeking approval from the Federal Communications Commission (“FCC” or “Commission”). Jaguar, Provincial and James T. Ward were not aware at the time of this transfer that FCC rules required them to obtain the FCC’s prior approval before consummating this transfer of control and did not have FCC counsel. This STA request seeks to permit Jaguar to continue to provide telecommunications service to customers notwithstanding the unauthorized transfer of control.

## **BACKGROUND**

Jaguar is a Minnesota corporation that has been providing telecommunications, internet and video services in the State of Minnesota since 2002. It obtained a certificate of authority from the Minnesota Public Utilities Commission in 2000. Jaguar holds an international Section 214 authorization to provide global or limited global resale services. IB File No. ITC-214-20010125-00060.<sup>2</sup> Prior to January 1, 2018, there were four interest holders of Provincial who each held 25% of the ownership/voting interests of Provincial: James T. Ward, Mark E. Davis, M. Mitchell Davis, and Martin E. Davis. Control of Provincial at that time resided in the Board of Governors of Provincial.

On January 1, 2018, interest holder James T. Ward acquired the ownership/voting interests in Provincial held by M. Mitchell Davis and Martin E. Davis, making James T. Ward the holder of 75% of the ownership/voting interest of Provincial. Jaguar, Provincial and James

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<sup>1</sup> Jaguar also filed a separate STA request to continue to operate as a telecommunications carrier under Jaguar’s domestic Section 214 authorization.

<sup>2</sup> Jaguar holds a blanket domestic Section 214 authorization pursuant to 47 C.F.R. § 63.01.

T. Ward were not aware at the time that this transfer required FCC approval and did not have FCC counsel.

### **STA REQUEST**

Grant of the instant STA request is in the public interest because it will permit Jaguar's customers to continue to receive telecommunications services from Jaguar as they do today. As a competitive local exchange telephone company, Jaguar is in competition with much larger incumbent local exchange carriers, broadband providers, and cable TV providers that operate in its service territories in the State of Minnesota. It would be extremely disruptive to Jaguar's customers to have to abruptly change service providers in the absence of this STA. The FCC has granted STAs in other circumstances similar to the instant STA request.<sup>3</sup>

Jaguar submits that failure to request authorization from the FCC to transfer control of Licensee was inadvertent. It was due to a lack of knowledge that any FCC rules would be applicable to this transfer.

Applicant acknowledges that the grant of this STA will not prejudice any action the Commission may take on the underlying application seeking Commission consent to the transfer. Applicant further acknowledges that this STA may be revoked by the Commission upon its own motion without a hearing. Applicant further acknowledges that grant of the STA will neither preclude nor dictate the scope of any enforcement action related to the transfer of control.

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<sup>3</sup> See, e.g., *Rally Capital, LLC*, 22 FCC Rcd 17270 (Enf. Bur. 2007); *Skyport Global Communications, Inc.*, 24 FCC Rcd 3714 (Enf. Bur. 2009).

For the foregoing reasons, the Commission should grant Jaguar's STA for six months to allow it to continue to operate.

Respectfully submitted,

By: /s/ Kristine A. Anderson  
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