

Mikelle Morra

From: Mikelle Morra
Sent: Friday, March 28, 2008 2:37 PM
To: 'mjn@americanfibersystems.com'
Cc: George Li; David Krech; Susan OConnell; Joann Ekblad; James Ball; Mikelle Morra; Veronica Garcia-Ulloa; Janese Parker; 'Daman, Alex'; 'greg.pinto@dhs.gov'; 'Pifer, Jon (LEO)'; 'Connors, John'; 'Daniels, Douglas'; 'Underriner, Jennifer'; 'TTelecom'; 'Thomas Doyle'; 'Orgman, Joanne'; 'Rockoff, Jennifer'; Matthew Warner; Jodie May
Subject: FCC Section 214 Removed from Streamlined
Attachments: TEL01250S.pdf

American Fiber Systems, Inc.
ITC-T/C-20080111-00011

The above referenced application was placed on Public Notice on March 14, 2008 for streamlined processing. Since the Public Notice was released, the Commission has been requested by the Executive Branch agencies of the United States that we remove the subject application from streamlined processing because of foreign ownership issues. Therefore, pursuant to Section 63.12(c)(3) of the Commission's Rules, we have removed the applications from streamlined processing.

Please be advised that your company may not commence operations until the Section 214 authorization is granted. See Section 63.12(d) of the rules, 47 C.F.R. Section 63.12(d). The Executive Branch will contact you or the "Contact" listed on your application directly for further information. You can be assured that your application will be processed expeditiously upon completion of Executive Branch's review. We will notify you by e-mail when your application is granted.

The Public Notice Report No. TEL-01250S (released March 28, 2008), is attached. If you have any questions, please email: Mikelle.Morra@fcc.gov, JoAnn.Ekblad@fcc.gov, Susan.Oconnell@fcc.gov, David.Krech@fcc.gov, and George.Li@fcc.gov or fax to 202-418-2824.

Thank you.

Mikelle

Mikelle Morra
Mikelle.Morra@fcc.gov
Federal Communications Commission
International Bureau/ Policy Division
202-418-7151

3/28/2008

Mikelle Morra

From: George Li

Sent: Wednesday, April 16, 2008 2:23 PM

To: Mikelle Morra

Cc: David Krech

Subject: FW: WC Docket 08-1; ITC-T/C-20080111-00011; DA 08-549

Attachments: FCC Deferral Withdrawal Ltr (USC-AFS).pdf; ECFS Comment Submission CONFIRMATION(2).htm

From: Rockoff, Jennifer [mailto:Jennifer.Rockoff@usdoj.gov]

Sent: Wednesday, April 16, 2008 1:34 PM

To: Frankiewicz, Bruce; jluna@uscarrier.com

Cc: David Krech; Susan OConnell; Tracey Wilson-Parker; Matthew Warner; George Li; Connors, John; Ongman, Joanne; TTelecom

Subject: Re: WC Docket 08-1; ITC-T/C-20080111-00011; DA 08-549

Good afternoon,

Please note that the attached deferral withdrawal letter was filed this afternoon by the U.S. Department of Justice, U.S. Department of Homeland Security and the Federal Bureau of Investigation. We have completed our review and have no objection to the application. Please do not hesitate to contact me should you have any questions.

Regards,
Jennifer

<<FCC Deferral Withdrawal Ltr (USC-AFS).pdf>> <<ECFS Comment Submission CONFIRMATION(2).htm>>

From: Rockoff, Jennifer

Sent: Tuesday, March 25, 2008 9:48 AM

To: Frankiewicz, Bruce; jluna@uscarrier.com

Cc: 'David Krech'; Susan OConnell; 'tracey.wilson-parker@fcc.gov'; 'matthew.warner@fcc.gov'; 'George Li'; Connors, John; Ongman, Joanne; TTelecom

Subject: WC Docket 08-1; ITC-T/C-20080111-00011; DA 08-549

Good morning,

Please note that the attached request to defer action was filed this morning by the U.S. Department of Justice, U.S. Department of Homeland Security and the Federal Bureau of Investigation. We will, of course, continue to work diligently to complete our review as quickly as possible.

Best regards,
Jennifer

*Jennifer Rockoff
National Security Division
U.S. Department of Justice
(202) 353-0008*

4/16/2008

<< File: FCC Deferral Request Liter_USC-AFS_.pdf >> << File: ECFS Comment Submission CONFIRMATION.htm >>

[Federal Communications Commission](#)

The FCC Acknowledges Receipt of Comments From ... DOJ/DHS/FBI ...and Thank You for Your Comments

Your Confirmation Number is: '2008416550462'

Date Received: Apr 16 2008

Docket: 08-1

Number of Files Transmitted: 1

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updated 12/11/03



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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Internet: <http://www.fcc.gov>
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DA 08-697
Released: March 25, 2008

**NOTICE OF REMOVAL OF DOMESTIC SECTION 214 APPLICATION FROM
STREAMLINED TREATMENT
WC Docket No. 08-1**

The Wireline Competition Bureau (WCB) has removed this application from streamlined treatment pursuant to the Commission's procedures for domestic section 214 transfer of control applications.¹ Section 63.03(c)(1)(v) of the Commission's rules provides that, at any time after an application is filed, the Commission, acting through the Chief of WCB, may notify an applicant that its application is being removed from streamlined processing where the Commission "determines that the application requires further analysis to determine whether a proposed transfer of control would serve the public interest."²

Domestic Section 214 Application Filed for the Transfer of Control of USCarrier Telecom Holdings, LLC and USCarrier Telecom, LLC to American Fiber Systems, Inc., WC Docket No. 08-1 (filed Dec. 26, 2007).

On March 11, 2008, the Commission released a public notice accepting for streamlined processing the domestic section 214 application to transfer control of USCarrier Telecom Holdings, LLC and USCarrier Telecom, LLC to American Fiber Systems, Inc.³ On March 14, 2008, the Department of Justice, together with the Federal Bureau of Investigation (collectively, the Executive Branch Agencies), filed a letter requesting that the Commission defer grant of this application while the Executive Branch Agencies address potential national security, law enforcement, and public safety issues.⁴

This application is being removed from streamlined review in response to the request filed by the Executive Branch Agencies. Final action on this application should be expected once the Commission has received notification from the Executive Branch Agencies that the evaluation has been completed, but not later than 180 days from public notice that the application was accepted for filing.⁵

¹ 47 U.S.C. 214; 47 C.F.R. § 63.03; *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, 17 FCC Red 5517 (2002) (*Streamlining Order*).

² See 47 C.F.R. § 63.03(c)(1)(v).

³ *Domestic Section 214 Application Filed For the Transfer of Control of USCarrier Telecom Holdings, LLC and USCarrier Telecom, LLC to American Fiber Systems*, WC Docket No. 08-1, Public Notice, DA 08-549 (rel. Mar. 11, 2008).

⁴ See Letter from John Connors, U.S. Department of Justice, to Marlene H. Dortch, FCC, WC Docket No. 08-1 (filed Mar. 24, 2008).

⁵ See 47 C.F.R. § 63.03(c)(2).

For further information, please contact Matt Warner, Competition Policy Division, Wireline Competition Bureau, at 202 / 418-2419.

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