

**Janeese Parker**

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**From:** Janeese Parker  
**Sent:** Friday, June 05, 2009 12:53 PM  
**To:** 'John.Janka@LW.com'; 'telecomfederal@regbackoffice.com'; 'patrick@crockerlawfirm.com'; 'joe@gssaudits.com'; 'brecherm@gtlaw.com'; 'jean.kiddoo@bingham.com'; 'ken@gssaudits.com'  
**Cc:** Janeese Parker; 'douglas.klein@ic.fbi.gov'; 'edward.hand@usdoj.gov'; 'hillary.Morgan@disa.mil'; 'jarnold@ntia.doc.gov'; 'vbarrish@askcalea.net'; 'maydc@state.gov'; 'lettsw@state.gov'; 'Stephen.heifetz@dhs.gov'; 'Christopher.Siefken@ic.fbi.gov'; 'Erica.Bomsey@dhs.gov'; 'Christina.saari@associates.hq.dhs.gov'; 'CarrollD@state.gov'; 'Brian.williams@associates.dhs.gov'; 'greg.pinto@dhs.gov'; 'TTelecom@usdoj.gov'; 'Thomas.Doyle@associates.dhs.gov'; 'mary.wheaton2@usdoj.gov'; 'Siobhan.Dupuy@usdoj.gov'; 'alex.daman@dhs.gov'; 'Douglas.Daniels@dhs.gov'; 'Joanne.Ongman@usdoj.gov'; 'Jennifer.Rockoff@usdoj.gov'; 'jimhale@ustr.gov'; 'Richard.Sofield2@usdoj.gov'; 'glenn.kaminsky@hq.dhs.gov'; 'richard.gault@ic.fbi.gov'; 'Katrina.Carille@hq.dhs.gov'; 'Britney.Corrow@associates.hq.dhs.gov'; 'Jenny.R.Randall@hq.dhs.gov'; 'dale.barr@hq.dhs.gov'; 'George Li; David Krech; JoAnn Sutton; Susan OConnell; Howard Griboff; James Ball; 'Gault, Richard'  
**Subject:** Remove From Streamline

**Attachments:** DOC-291249A1[1].pdf

**Tracking:**

Recipient	Read
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'patrick@crockerlawfirm.com'	
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6/5/2009

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'Jenny.R.Randall@hq.dhs.gov'  
'dale.barr@hq.dhs.gov'  
George Li  
David Krech  
JoAnn Sutton  
Susan OConnell  
Howard Griboff  
James Ball  
'Gault, Richard'  
Read: 6/5/2009 1:40 PM  
Read: 6/5/2009 1:11 PM

**ITC-214-20090501-00194 Inmarsat Hawaii Inc.**

**ITC-214-20090505-00197 Sarah Telecom LLC**

**ITC-214-20090505-00198 Telephone International Corporation of America**

**ITC-214-20090508-00208 IP To Go LLC**

**ITC-T/C-20090408-00153 Cassara Acquisition Group, LLC**

**ITC-T/C-20090416-00166 Nexiros, LLC**

**ITC-T/C-2009504-00191 Orlando Telephone Compay, Inc.**

The above referenced applications were placed on Public Notice on May 22, 2009 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 this application 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-01365S (released June 5, 2009), is attached. If you have any questions, please email: [JoAnn.Sutton@fcc.gov](mailto:JoAnn.Sutton@fcc.gov), [Susan.Oconnell@fcc.gov](mailto:Susan.Oconnell@fcc.gov), [David.Krech@fcc.gov](mailto:David.Krech@fcc.gov), and [George.Li@fcc.gov](mailto:George.Li@fcc.gov) or fax to 202-418-2824.

Thank you.

*Janeese Parker*

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*Federal Communications Commission  
International Bureau/Policy Division*

*Phone: (202) 418-0707*

*E-mail: [Janeese.Parker@fcc.gov](mailto:Janeese.Parker@fcc.gov)*

**JoAnn Sutton**

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**From:** David Krech

**Sent:** Wednesday, May 20, 2009 2:17 PM

**To:** 'Sofield, Richard'; George Li; JoAnn Sutton; Susan OConnell; 'Mary.Wheaton2@usdoj.gov'

**Subject:** RE: [TT] FCC application status for the week of May 17, 2009

We plan to include Orlando Telephone (ITC-T/C-20090504-00191) and the two NexUStel applications (ITC-T/C-20090408-00153, ITC-T/C-20090416-00166) on the streamlined Public Notice this Friday, May 22. We will remove them from streamlined processing on June 5 if you have not completed your review by then.

David

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**From:** Sofield, Richard [mailto:Richard.Sofield2@usdoj.gov]

**Sent:** Wednesday, May 20, 2009 1:29 PM

**To:** David Krech; Francis Gutierrez; George Li; Howard Griboff; James Ball; Janeese Parker; JoAnn Sutton; Jodi Cooper; Susan OConnell; Mary.Wheaton2@usdoj.gov

**Subject:** [TT] FCC application status for the week of May 17, 2009

Team Telecom requests that the following matters be **REMOVED** from streamline:

ITC-214-20090421-00170 Dasaro USA

ITC-214-20090429-00183 Newcom, Inc.

SES-ASG-20090403-00406 SkyWave Mobile Communications, Corp.

ITC-T/C-20090504-00191 Orlando Telephone Co, Inc./Summit Broadband Inc.

ITC-T/C-20090408-00153 NexUStel/CAG/Nexitos/Greentel

ITC-T/C-20090416-00166 NexUStel/CAG/Nexitos/Greentel

We will make the necessary electronic entries for the formally docketed matters.

Thank you.

**Richard C. Sofield**

Director

Foreign Investment Review Staff

National Security Division

U.S. Department of Justice

W-(202) 514-0945

M-(202) 598-3134

5/20/2009

**JoAnn Sutton**

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**From:** Sofield, Richard [Richard.Sofield2@usdoj.gov]  
**Sent:** Wednesday, May 20, 2009 1:29 PM  
**To:** David Krech; Francis Gutierrez; George Li; Howard Griboff; James Ball; Janeese Parker; JoAnn Sutton; Jodi Cooper; Susan OConnell; Mary.Wheaton2@usdoj.gov  
**Subject:** [TT] FCC application status for the week of May 17, 2009

Team Telecom requests that the following matters be **REMOVED** from streamline:

**ITC-214-20090421-00170** Dasaro USA  
**ITC-214-20090429-00183** Newcom, Inc.  
**SES-ASG-20090403-00406** SkyWave Mobile Communications, Corp.

**ITC-T/C-20090504-00191** Orlando Telephone Co, Inc./Summit Broadband Inc.  
**ITC-T/C-20090408-00153** NexUSTel/CAG/Nexitos/Greenteel  
**ITC-T/C-20090416-00166** NexUSTel/CAG/Nexitos/Greenteel

We will make the necessary electronic entries for the formally docketed matters.

Thank you.

**Richard C. Sofield**

Director  
Foreign Investment Review Staff  
National Security Division  
U.S. Department of Justice

W-(202) 514-0945  
M-(202) 598-3134



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 09-1042  
Released: May 8, 2009

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF  
NEXUSTEL, LLC TO NEXITOS, LLC  
STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 09-53**

**Comments Due: May 22, 2009**  
**Reply Comments Due: May 29, 2009**

On April 9, 2009, NexUStel, LLC (NexUStel), Cassara Acquisition Group, LLC (CAG), and Nexitos, LLC (Nexitos) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules<sup>1</sup> seeking approval for a management buy-out transaction that resulted in the transfer of control of NexUStel from CAG to Nexitos, an entity controlled by NexUStel's president.

On December 18, 2008, Nexitos acquired from CAG 100 percent of the voting membership interest of NexUStel and became the managing member of NexUStel.<sup>2</sup> Contrary to Commission requirements, the Applicants did not seek prior approval for this transaction.<sup>3</sup> NexUStel, a Delaware limited liability company, provides resold interstate telecommunications services to approximately 771 customers in Florida and in multiple other states. CAG, a New York limited liability company, is an investment holding company that does not provide telecommunications services and is wholly-owned by Anthony Cassara, a U.S. citizen. Nexitos, a Florida limited liability company, does not provide

<sup>1</sup> 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed a supplement to their domestic section 214 application on May 6, 2009.

<sup>2</sup> Applicants state that this is the first step of a two step transaction. Under the second step, Greentel, LLC, a Florida limited liability company, will acquire a 50 percent interest in NexUStel upon receipt of required regulatory approvals. Joint Application of Nexitos, LLC, NexUStel, LLC, and Greentel, LLC for a Transfer of Control, WC Docket No. 09-57 (filed Apr. 21, 2009).

<sup>3</sup> Applicants filed a request for Special Temporary Authority (STA) seeking approval to provide service under the current ownership pending approval of the transaction. They state that Nexitos would have run out of cash and been forced to discontinue service to customers if the transaction had not closed by year end 2008. On May 1, 2009, the Wireline Competition Bureau granted the STA for the domestic 214 authorization for a period of 60 days. *See* Letter from Danielle Burt, Counsel for CAG, and Tracy Perez, Counsel for NexUStel and Nexitos, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 09-53 (filed Apr. 20, 2009). A grant of this application will be without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules.

telecommunications services and was organized by Jorge A. Asccio, NexUSStel's president, to acquire control of NexUSStel from CAG. Applicants state that the following individuals, all citizens of Chile, own at least 10 percent of Nexitos: Jorge A. Asccio (70 percent), Julio G. Alvarez (20 percent), and Sonia Varas (10 percent). Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.<sup>4</sup>

Domestic Section 214 Application Filed for the Transfer of Control of NexUSStel, LLC to Nexitos, LLC, WC Docket No. 09-53 (filed Apr. 9, 2009).

### **GENERAL INFORMATION**

The transfer of assets identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before May 22, 2009**, and reply comments **on or before May 29, 2009**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31<sup>st</sup> day after the date of this notice.<sup>5</sup> Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's e-Rulemaking Portal. *See* 47 C.F.R. § 63.03(a) (“All comments on streamlined applications shall be filed electronically . . . .”); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal e-Rulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.

### **In addition, e-mail one copy of each pleading to each of the following:**

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, [jodie.may@fcc.gov](mailto:jodie.may@fcc.gov);
- 4) David Krech, Policy Division, International Bureau, [david.krech@fcc.gov](mailto:david.krech@fcc.gov); and

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<sup>4</sup> 47 C.F.R. § 63.03(b)(2)(i).

<sup>5</sup> Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: (202) 488-5300; fax: (202) 488-5563; e-mail: [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); url: [www.bcpiweb.com](http://www.bcpiweb.com).

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Jodie May at (202) 418-0913.

- FCC -