

## ATTACHMENT 1

### **Notification of the *Pro Forma* Transfer of Control of International Section 214 Authority from AMZAK Capital Management, LLC to Broadband Investments Limited**

Pursuant to Section 214 of the Communications Act of 1934, as amended (the "Act"),<sup>1</sup> and Section 63.24(g) of the Commission's Rules,<sup>2</sup> this Application notifies the Federal Communications Commission of the *pro forma* transfer of control of the International Section 214 Authority of Tricom USA, Inc. ("Tricom USA") from AMZAK Capital Management, LLC ("AMZAK" or "Transferor") to Broadband Investments Limited ("Broadband" or "Transferee") in connection with Tricom USA's recent reorganization under U.S. bankruptcy laws (the "Transaction").

#### **Answer to Question 10:**

#### ***Contact Information for Transferor and Transferee***

For Transferor, AMZAK:

Legal Department, Attn: Beatriz Beltranena  
AMZAK Capital Management, LLC  
1 North Federal Highway  
Suite 400  
Boca Raton, FL 33432  
Tele: 561-953-4164  
Fax: 561-338-7677

With a copy to:

Beatriz Beltranena  
c/o Tricom, S.A.  
Avenida Lope de Vega 95  
Santo Domingo  
Dominican Republic  
Tele: 809-476-4000  
Fax: 809-476-6700  
Email: bbeltranena@amzak.com

For Transferee, Broadband:

---

<sup>1</sup> 47 U.S.C. § 214.

<sup>2</sup> 47 C.F.R. § 63.04(b).

Legal Department, Attn: Beatriz Beltranena  
 Broadband Investments Limited  
 1 North Federal Highway  
 Suite 400  
 Boca Raton, FL 33432  
 Tele: 561-953-4164  
 Fax: 561-338-7677

With a copy to:

Beatriz Beltranena  
 c/o Tricom, S.A.  
 Avenida Lope de Vega 95  
 Santo Domingo  
 Dominican Republic  
 Tele: 809-476-4000  
 Fax: 809-476-6700  
 Email: bbeltranena@amzak.com

***International Section 214 Authorizations***

Tricom USA holds the following international Section 214 authorizations:

| Authorization Number  | Type of Authorization  |
|---|--|
| ITC-214-19960925-00468 (previously ITC-96-532)              | Global resale authority pursuant to Section 63.18(e)(2) of the Commission's Rules to all international points.           |
| ITC-MOD-19970618-00335 (previously ITC-96-532-M)            | Global facilities-based authority pursuant to Section 63.18(e)(1) of the Commission's Rules to all international points. |
| ITC-214-19930101-00257 (previously ITC-93-246)              | Authority to provide certain facilities-based services (via satellite or cable) to specified international points.       |
| ITC-214-19990325-00153                                      | Authority to construct and operate the Maya-1 Cable System.  |
| ITC-214-19970421-00220 (previously ITC-97-221)              | Authority to construct and operate the Pan American Cable System.  |
| ITC-214-19980430-00286 (previously ITC-98-342, ITC-98-342A) | Authority to construct and operate the Americas-II Cable System.   |

**Answer to Question 11:**

Pursuant to Section 63.18(h) of the Commission's Rules, the entities holding a direct or indirect 10 percent or greater equity interest in Transferee Broadband are as follows.

|                     |  |
|---------------------|--|
| Name:               | AMZAK Capital Management, LLC  |
| Address:            | 1 North Federal Highway<br>Suite 400<br>Boca Raton, FL 33432   |
| Citizenship:        | United States  |
| Principal Business: | Investment company   |
| Ownership:          | 100 percent.   |
|                     |  |
| Name:               | The Kazma Family (Gerald Joseph Kazma, Michael David Kazma, and Leigh Anne Kazma) <sup>3</sup>   |
| Address:            | 1 North Federal Highway<br>Suite 400<br>Boca Raton, FL 33432   |
| Citizenship:        | Canada   |
| Principal Business: | Individuals  |
| Ownership:          | The immediate members of the Kazma Family, through various holding companies, collectively hold 100 percent of the ownership interests of AMZAK. |

No other entity or individual holds a 10 percent or greater direct or indirect interest in Transferee Broadband.<sup>4</sup>

**Answer to Question 12:**

AMZAK currently has the following interlocking directorate with foreign carriers:

---

<sup>3</sup> Although each family member's interests are separate and independent, their interests are being aggregated here out of an abundance of caution.

<sup>4</sup> On or about April 7, 2010, AMZAK transferred its interest in Holding Company to its wholly-owned subsidiary Broadband. On or about June 7, 2010, Broadband transferred a portion of its ownership interest in Holding Company to PTY Capital Partners Ltd ("PTY Capital Partners Ltd"). Broadband now holds a 55.9 percent ownership interest in Holding Company, and PTY Capital Partners now holds a 20.5 percent ownership interest in Holding Company. PTY Capital Partners' address is Urbanización Costa del Este, Business Park, Torre Este, Piso 6, Ciudad de Panamá. Its principal business is investments. Contemporary Investments Ltd. ("Contemporary Investments"), a Bahamas company, holds 100 percent of the ownership interests of PTY Capital Partners. Its address is Urbanización Costa del Este, Business Park, Torre Este, Piso 6, Ciudad de Panamá. Its principal business is investments. Alberto C. Motta, Jr. and Stanley A. Motta, citizens of Panama, each hold a 50 percent ownership interest in Contemporary Investments. The Mottas' address is Urbanización Costa del Este, Business Park, Torre Este, Piso 6, Ciudad de Panamá. They are individual investors. Miguel Heras is a Director of PTY Capital Partners as well as Vice President and Director of Tricom, S.A., a foreign carrier.

| AMZAK Director/Officer                         | Foreign Carrier | Position with Foreign Carrier |
|--|-----------------|-------------------------------|
| Michael David Kazma,<br>President and Director | Tricom, S.A.    | President and Director        |

Broadband currently has the following interlocking directorates with foreign carriers:

| Broadband Director/Officer                     | Foreign Carrier | Position with Foreign Carrier |
|--|-----------------|-------------------------------|
| Michael David Kazma,<br>President and Director | Tricom, S.A.    | President and Director        |

**Answer to Question 13:**

***Description of the Transaction and Public Interest Statement***

On April 7, 2010, the parties consummated transactions involving the assignment of Tricom USA's international Section 214 authorizations ("International Section 214 Assignment Application")<sup>5</sup> pursuant to a plan of reorganization ("Plan of Reorganization")<sup>6</sup> under U.S. bankruptcy laws and in accordance with the Commission's consent.

The exact indirect ownership of the reorganized Tricom USA could not be determined prior to the reissuance of stock pursuant to the Plan of Reorganization. Accordingly, in the International Section 214 Assignment Application, the parties provided estimates of the equity ownership percentages that would be held by each ten (10) percent or greater interest holder in Hispaniola Telecom Holdings, Ltd. ("Holding Company"), the holding company holding at least 97 percent of the ownership interests of reorganized Tricom, S.A. ("Tricom, S.A."), the direct parent company of Tricom USA. As reported in the International Section 214 Assignment Application, the parties reasonably believed that, post-consummation, AMZAK would hold a direct ownership interest in Holding Company in excess of 18.5 percent but less than 50 percent, and that two other investors, Ellis Portafolio, S.A. ("Ellis") and MAP Private Trust Company ("MAP"), would hold 10.7 percent and 13.4 percent ownership interests in Holding Company, respectively.

<sup>5</sup> See Application for the Assignment of International Section 214 Authorizations from Tricom USA, Inc. Debtor-in-Possession to Tricom USA, Inc., IE Dockets: ITC-ASG-20091223-00543 and SCL-ASG-20091223-00040. The International Section 214 Assignment Application was granted on January 29, 2010. See *International Authorizations Granted*, Public Notice, DA 10-232, 25 FCC Rcd 1279 (2010).

<sup>6</sup> Prior to the consummation of the Plan of Reorganization, the international Section 214 authorizations held by Tricom USA (referred to in the Section 214 Assignment Application as "New Tricom USA") were previously held by Tricom USA, Inc. Debtor-in-Possession. Tricom USA, Inc., Debtor-in-Possession previously notified the Commission of the *pro forma* assignment of the Section 214 authorizations from Tricom USA, Inc. (referred to in the Section 214 Assignment Application as "Old Tricom USA") to Tricom USA, Inc. Debtor-in-Possession. See Notification of the *Pro Forma* Assignment of International Section 214 Authorizations from Tricom USA, Inc. to Tricom USA, Inc. as Debtor-in-Possession, File No. ITC-ASG-20080327-00158.

During the time period following the Section 214 Assignment Application and prior to the date of consummation, April 7, 2010, AMZAK acquired further unsecured claims for borrowed money against Tricom, S.A. and its subsidiaries. As a result, as of the date of consummation, AMZAK, held a 57.2 percent ownership interest in Holding Company. Ellis and MAP respectively held 12.5 percent and 19.0 percent ownership interests in Holding Company. An ownership chart for Tricom USA, post-transfer of control, is set forth in Exhibit A.<sup>7</sup>

Further, the following transactions occurred. On or about April 7, 2010, AMZAK transferred its interest in Holding Company to its wholly-owned subsidiary Broadband Investments Limited ("Broadband"), a Barbados limited liability company. On April 15, 2010, Ellis and MAP transferred their ownership interests in Holding Company to Broadband. On or about June 7, 2010, Broadband transferred a portion of its ownership interest in Holding Company to PTY Capital Partners Ltd. ("PTY Capital Partners"), a British Virgin Islands company. As a result of these transactions, Broadband now holds a 55.9 percent ownership interest in Holding Company and PTY Capital Partners now holds a 20.5 percent ownership interest in Holding Company.<sup>8</sup> An ownership chart for Tricom USA, post-*pro forma* transfer of control, is set forth in Exhibit B.

In order to bring the transfer of majority control to AMZAK and the *pro forma* transfer to Broadband into compliance with the Commission's Rules, in addition to the instant *pro forma* notification, the parties have filed an international Section 214 application for transfer of control of Tricom USA to AMZAK ("International Section 214 Transfer of Control Application") and a request for special temporary authority (STA) to continue to operate during the pendency of the International Section 214 Transfer of Control Application and related filings.

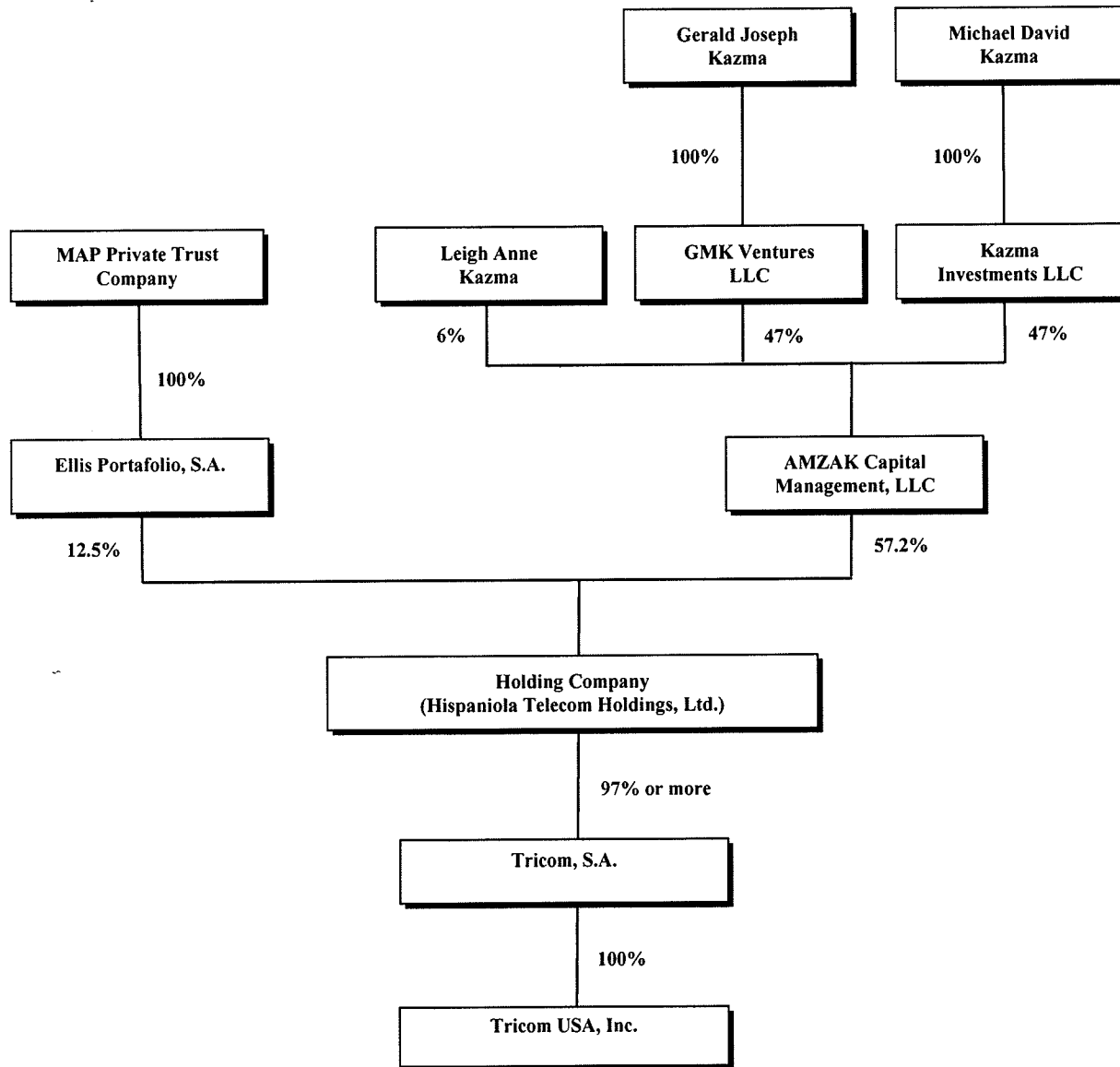
---

<sup>7</sup> Applicants informed the Commission of these post-transfer of control ownership percentages in a consummation notice filed on May 7, 2010 via ECFS and IBFS. See Letter to Ms. Marlene Dortch, Secretary, from Michelle W. Cohen, dated May 7, 2010, WC Docket No. 10-16, IB Dockets: ITC-ASG-2009-1223-00543 and SCL-ASG-20091223-00040.

<sup>8</sup> As noted above, Contemporary Investments Ltd. ("Contemporary Investments"), a Bahamas company, holds 100 percent of the ownership interests of PTY Capital Partners. Alberto C. Motta, Jr. and Stanley A. Motta, citizens of Panama, each hold a 50 percent ownership interest in Contemporary Investments.

**EXHIBIT A**

## Tricom USA, Inc. Post-Transfer of Control



**EXHIBIT B**



# Tricom USA, Inc. Post-Pro Forma Transfer of Control

