



Federal Communications Commission
Washington, D.C. 20554

November 5, 2014

Mr. Arik Meimoun
Next Communications, Inc.
100 North Biscayne Boulevard
Suite 900
Miami, Florida 33132

RE: ITC-STA-20140922-00269
ITC-T/C-20120919-00231

Dear Mr. Meimoun,

On September 22, 2014, Next Communications, Inc. (Next) filed a request to extend its Special Temporary Authority (STA)¹ to continue providing service to its customers pending Commission action on the transfer of control application filed by Next on September 9, 2012.² We will need additional information before we can act on either Next's STA request or its transfer of control application. This request is made because of the inconsistent information filed by Next in connection with the pending applications.

In the 2012 transfer of control application, the ownership of Next was listed as: Arik Meimoun, 50%; Engin Yesil, 37%; and, Ali Guven Kivilcom, 13%.³ In a letter dated November 13, 2013, Next, by counsel, informed the Commission that Mr. Yesil had divested his shares in the company, and stated that the ownership of Next was as follows: Arik Meimoun, 50%; Ali Guven Kivilcom, 42.5%; and, Huseyin Kizanlikli, 7.5%.⁴ In several subsequent STA requests, you, as Chief Executive Officer of Next, certified to ownership information consistent with what was stated in the November 13, 2013 letter.⁵ The now pending STA request, however, shows the ownership of Next as follows: Arik Meimoun, 50%; Engin Yesil, 37%; and, Ali Guven Kivilcom, 13%.⁶ That is the same ownership that was stated in the 2012 transfer of control

¹ ITC-STA-20140922-00269.

² ITC-T/C-20120919-00231.

³ ITC-T/C-20120919-00231, Attachment 1 at 1-2.

⁴ Letter from Colleen King, Wiley Rein, counsel for Next Communications, Inc. to Marlene H. Dortch, Secretary, FCC, dated November 13, 2013 at 2 (filed in ITC-T/C-20120919-00231).

⁵ See ITC-STA-20131119-00312, ITC-STA-20131219-00344, ITC-STA-20140219-00044, ITC-STA-20140417-00128, and ITC-STA-20140619-00183. The certification statement on the forms states that "[w]illful false statements made on this form are punishable by fine and/or imprisonment (U.S. Code, Title 18, Section 1001), and/or revocation of any station authorization (U.S. Code, Title 47, Section 312(a)(1)), and/or forfeiture (U.S. Code, Title 47, Section 503)."

⁶ ITC-STA-20140922-00269, Attachment 1 at 4.

Federal Communications Commission

application. In addition, the pending STA request asks for “additional time to negotiate and conclude an agreed buyout of certain shareholders, Engin Yesil and Ali Guven Kivilcim.”⁷

Please explain the basis for the statement in the November 13, 2013 letter that Mr. Yesil had divested his shares, and Ali Guven Kivilcim had 42.5% and Huseyin Kizanlikli had 7.5% of the shares in Next. Please confirm that there is now a buyout agreement for the shares of Engin Yesil and Ali Guven Kivilcim, and state the nature of such an agreement – oral, in writing, etc. Please provide a copy of any buyout agreement in writing. Please describe the steps to take place to complete the buyout and provide a timeline for those steps and an estimated date for its consummation.

In addition, the 1999 application for international section 214 authority for Next listed David Halpern and Sylwin Grinman as the owners of Next.⁸ The now pending transfer of control application states that Mr. Halpern and Mr. Grinman did not provide the expected funding and that Mr. Meimoun financed the company and acquired 100% of its shares in 1999.⁹ Please explain the relationship between Mr. Halpern and Mr. Grinman and Mr. Meimoun. Please state the source of financing for Mr. Meimoun to acquire 100% of the shares of Next in 1999. Also, please describe in detail each ownership change in Next that occurred between the filing of the original section 214 application in 1999, the filing of the transfer of control application in 2012, and the filing of the pending STA request on September 22, 2014.

Please also explain any and all relationships between or among any of the following: Mr. Meimoun, Mr. Yesil, Mr. Kivilcim, and Mr. Kizanlikli, beginning at the time of the filing of the original section 214 application in 1999.

We understand that, in 1990, Mr. Yesil pled guilty to (1) conspiracy to possess cocaine with intent to distribute; and (2) distribution of cocaine. Confirm whether or not our understanding is correct. Please address the question whether, in light of the Commission’s character policy as applied to common carrier authorizations, Next holds and has held the character qualifications required for such an authorization.¹⁰ Did Mr. Yesil’s conviction include a condition that he is subject to denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988?¹¹ Please provide complete documentation with respect to Mr. Yesil’s conviction, sentencing, and any conditions associated therewith.

Please provide a complete and accurate copy of any organizational and ownership documents for or relating to Next since the filing of its application in 1999 (including but not

⁷ ITC-STA-20140922-00269, Attachment 1 at 1.

⁸ ITC-214-19990107-00014 at 2.

⁹ ITC-T/C-20120919-00231, Attachment 1 at 2.

¹⁰ See *Character Qualifications*, 102 F.C.C.2d 1179 (1985), *recon. denied*, 1 FCC Rcd 421 (1986), *as modified*, 5 FCC Rcd 3252 (1990), and 7 FCC Rcd 6564 (1992). See also *Patrick Sullivan*, 29 FCC Rcd 5421 (Media Bur. 2014).

¹¹ 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2002, 63.18(o).

Federal Communications Commission

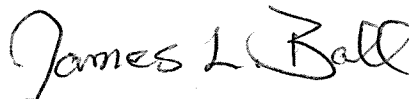
limited to any articles of incorporation, by-laws, amendments to such articles or by-laws, and subscription and shareholder or voting agreements or proxies).

Finally, please provide a description of the services currently provided by Next, the number of customers Next has for each of those services, and the types of customers (e.g., residential end users, small businesses, large business, hospitals, government entities, etc.).

Please provide your responses no later than **December 1, 2014**. Your responses should include an affidavit signed under penalty of perjury by an officer of Next that all of the information in your responses is accurate and completely responsive to the questions asked. Please note that pursuant to Section 1.65 of the Commission's rules Next is responsible for the continuing accuracy and completeness of such information, including with respect to any substantial change which may be of decisional significance such as changes to ownership of the company.¹²

Your responses should be filed in ITC-STA-20140922-00269 and ITC-T/C-20120919-00231 via IBFS. Failure to respond to this request by **December 1, 2014** may lead to dismissal of the pending STA request and the transfer of control application.¹³

Sincerely,



James L. Ball
Chief, Policy Division
International Bureau

cc: Steve Wasserstein
WNF Law, P.L.
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Suite 2200
Miami, FL 33131

¹² 47 C.F.R. § 1.65.

¹³ See 47 C.F.R § 1.748(a), 63.51(b).