

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Applications of)	
)	
EasyTel Communications Carrier Corporation)	
)	
<i>Licensee</i>)	
Timothy E. Kloehr)	
)	
<i>Transferor</i>)	
and)	File No. _____
)	
CoxCom, LLC)	
)	
<i>Transferee.</i>)	
)	
Joint Application for Consent to Transfer Control)	
of International and Domestic Authority Pursuant)	
to Section 214 of the Communications Act of)	
1934, as amended)	
)	

**JOINT APPLICATION FOR CONSENT TO TRANSFER CONTROL OF
INTERNATIONAL AND DOMESTIC AUTHORITY PURSUANT TO SECTION 214
OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED**

Pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Sections 63.03, 63.04 and 63.24 of the Commission’s Rules, 47 C.F.R. §§ 63.03, 63.04, 63.24, Timothy E. Kloehr (“Transferor”) and CoxCom, LLC (“Cox”) hereby request consent to the transfer of control of EasyTel Communications Carrier Corporation (“EasyTel”) (collectively, with Mr. Kloehr and Cox, “Applicants”) from Mr. Kloehr to Cox (the applications for such consent, the “Joint Application”).

In support of this Joint Application, the Applicants respectfully submit the following information:

Description of the Transaction and the Applicants

Cox and Mr. Kloehr have entered into a stock purchase agreement under which Cox will purchase 100% of the shares of EasyTel and two related companies that do not hold Commission authorizations. As a result of this transaction, Cox will acquire approximately 18,500 access lines in Tulsa, Oklahoma, principally serving business customers.

Cox and its affiliates provide domestic and international telecommunications services, broadband service and video service in nineteen states, serving more than six million customers in the residential, small and medium business and enterprise markets. In Oklahoma, Cox provides domestic telecommunications services through its wholly-owned subsidiary Cox Oklahoma Telcom, LLC, which holds a certificate of public convenience and necessity from the Oklahoma Corporation Commission. Cox is a nondominant carrier in both the domestic and international service markets across its footprint, and is not affiliated with any dominant carrier. Cox is authorized by the Commission to provide domestic and international common carrier services.¹

Mr. Kloehr is the sole owner of EasyTel. EasyTel is a provider of telecommunication services to small and medium business and enterprise customers in the Tulsa metropolitan area. EasyTel built its own state of the art fiber optic network, which is used to provide customers with telephone, Internet and data, and cable services.²

¹ Cox's parent company, Cox Communications, Inc., holds two international Section 214 authorizations, one for global resale and one for facilities-based services between the United States and Mexico, granted under FCC File Nos. ITC-97-845 and ITC-214-19991297-00764, respectively. *See* Overseas Common Carrier Section 214 Applications, Actions Taken, *Public Notice*, Rep. No. I-8266 (rel. Oct. 9, 1997) (global resale authorization), International Authorizations Granted, *Public Notice*, DA No. 00-11, Rep. No. TEL-00176 (rel. Jan. 6, 2000) (facilities-based authorization). Cox Communications also provides domestic common carrier service pursuant to the blanket Section 214 authorization granted under Section 63.01 of the Commission's rules. 47 C.F.R. §§ 63.01.

² EasyTel holds an international Section 214 authorization for global or limited global facilities-based and resale services. This authorization originally was granted to EasyTel Communications, Inc., a sister company of EasyTel, under FCC File No. ITC-214-20020509-00245. *See* International Authorizations Granted, *Public*

Qualification of the Transaction for Streamlined Treatment

This transaction qualifies for streamlined treatment under Sections 63.03 and 63.12 of the Commission's rules. 47 C.F.R. §§ 63.03, 63.12. As to the transfer of control of EasyTel's domestic authorization, the Joint Application is eligible for streamlined processing under Section 63.03(b)(2)(i) of the Commission's rules, 47 C.F.R. § 63.03(b)(2)(i), because, immediately following the transaction, (a) the Applicants and their affiliates (as defined in Section 3(1) of the Communications Act), will have a combined share of the interstate, interexchange market of less than 10 percent; (b) Applicants and their affiliates will provide local exchange service only in areas also served by a dominant local exchange carrier not a party to the proposed transaction; and (c) none of the Applicants is dominant with respect to any service.

As to the transfer of control of EasyTel's international authorization, the Joint Application is eligible for streamlined processing under Section 63.12(a) and (b) of the Commission's rules, 47 C.F.R. § 63.12(a), (b). Section 63.12(c) of the rules, which describes situations in which streamlined processing is not available, does not apply because (a) neither of the Applicants is a foreign carrier or is affiliated with a foreign carrier; and (b) neither of the Applicants is affiliated with a dominant U.S. carrier.

Consequently, the Joint Application should be granted streamlined processing as to both the domestic and international Section 214 authorizations.³

Notice, Rep. No. TEL-00539, DA 02-1376 (rel. June 13, 2002). This authorization was transferred to EasyTel via a *pro forma* assignment on August 19, 2013, and a notification for authorization for that *pro forma* assignment was filed with the Commission on August 21, 2013 and granted on September 4, 2013. *See* File No. ITC-ASG-20130821-00226. EasyTel also provides domestic common carrier service pursuant to the blanket Section 214 authorization granted under Section 63.01 of the Commission's rules. 47 C.F.R. §§ 63.01.

³ The Parties note that EasyTel's service area overlaps with the service area for Cox's video services in the Tulsa market. Pursuant to the Commission's Section 652 Forbearance Decision, transactions involving the acquisition of competitive local exchange carrier facilities and operations by cable providers no longer are subject to the requirements of Section 652, and thus no Section 652 waiver is required for this application.

Public Interest Benefits

Applicants respectfully submit that the proposed transaction will serve the public interest. The transaction will enhance Cox's ability to serve business customers in the Tulsa market by filling gaps in Cox's infrastructure and broadening the scope of its customer base. The transaction will benefit EasyTel's customers by providing them with service from a well-established, national provider of voice, broadband and video services, and permit them to take advantage of Cox's broad expertise and innovative services.

In compliance with Section 63.24(e), the following information is provided to address the requirements of Sections 63.18(a)-(d) and (h)-(p):

(a) Name, address and telephone number of each Applicant:

EasyTel

EasyTel Communications Carrier Corporation
7335 South Lewis Ave., Suite 100
Tulsa, OK 74136
(918) 523-8000

Transferor:

Timothy E. Kloehr
c/o EasyTel
7335 South Lewis Ave., Suite 100
Tulsa, OK 74136
(918) 523-8000

Transferee:

CoxCom, LLC
1400 Lake Hearn Drive, N.E.
Atlanta, Georgia 30319
(404) 269-5750

Petition for Declaratory Ruling to Clarify 47 U.S.C. § 572 in the Context of Transactions Between Competitive Local Exchange Carriers and Cable Operators, *Order*, 27 FCC Rcd 11532, 11544 (2012) (“We conclude that application of section 652(b) to transactions involving competitive LECs is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with the relevant telecommunications services and providers are just and reasonable and are not unjustly or unreasonably discriminatory.”).

(b) Government, state or territory under the laws of which each corporate or partnership Applicant is organized

Mr. Kloehr is a United States Citizen

EasyTel is an Oklahoma corporation.

CoxCom, LLC. is a Delaware limited liability company.

(c) Name, title, post office address, and telephone number of the officer or contact point of each Applicant to whom correspondence concerning the Joint Application is to be addressed:

For EasyTel and Transferor:

Jean L. Kiddoo
Brett P. Ferenchak
Bingham McCutchen LLP
2020 K Street, N.W.
Washington, DC 20006
Tel: (202) 373-6000
Fax: (202) 373-6001
jean.kiddoo@bingham.com
brett.ferenchak@bingham.com

For the Transferee:

J.G. Harrington
Dow Lohnes P.L.L.C.
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, DC 20036
Tel. (202) 776-2818
Fax (202) 776-2222
Email jharrington@dowlohn.com

With a copy to:

Douglas Nelson, Esq.
Cox Communications, Inc.
1400 Lake Hearn Drive, N.E.
Atlanta, Georgia 30319
Tel. (404) 269-5750
Email douglas.nelson@cox.com

(d) Statement as to whether the Applicants have previously received authority under Section 214 of the Act.

EasyTel holds an international Section 214 application for global or limited global facilities-based and resale service, originally granted to EasyTel Communications, Inc. under FCC File No. ITC-214-20020509-00245 and transferred to EasyTel via a *pro forma* assignment.⁴ EasyTel also holds a domestic Section 214 authorization, granted under the blanket authorization provision of Section 63.01 of the Commission's rules. 47 C.F.R. § 63.01.

Cox's parent Cox Communications, Inc. holds two international Section 214 authorizations, one for global resale and one for facilities-based services between the United States and Mexico, granted under FCC File Nos. ITC-97-845 and ITC-214-19991297-00764, respectively. Cox Communications also holds a domestic Section 214 authorization, granted under the blanket authorization provision of Section 63.01 of the Commission's rules. 47 C.F.R. § 63.01.

(h) Name, address, citizenship and principal business of any person or entity that directly or indirectly owns at least ten percent of the equity of the Transferor or Transferee:

Transferor is a U.S. citizen who holds 100% of the equity interests in EasyTel.

Transferee:

CoxCom, LLC is a wholly-owned subsidiary of Cox Communications, Inc., which in turn is wholly-owned by Cox Enterprises, Inc. via a 95.4% direct interest and a 4.6% indirect interest by virtue of its 100% ownership of minority owner Cox DNS, Inc. The following is the information concerning these companies:

<u>Name and Address</u>	<u>Citizenship</u>	<u>Principal Business</u>
Cox Communications, Inc. 1400 Lake Hearn Drive, N.E. Atlanta, GA 30319	Delaware	Communications
Cox Enterprises, Inc. 6205 Peachtree Dunwoody Road Atlanta, GA 30328	Delaware	Conglomerate
Cox DNS, Inc, 6205 Peachtree Dunwoody Road Atlanta, GA 30328	Delaware	Holding company

⁴ See *supra* note 2.

The following are the 10 percent or greater owners of Cox Enterprises, Inc.:

<u>Name and Address</u>	<u>Ownership</u>	<u>Citizenship</u>	<u>Principal Business</u>
Dayton-Cox Trust A 6205 Peachtree Dunwoody Road Atlanta, GA 30328	43.4%	US	Trust
Atlanta Trust 6205 Peachtree Dunwoody Road Atlanta, GA 30328	30.6%	US	Trust
Trailsend Ventures, LLC 6205 Peachtree Dunwoody Road Atlanta, GA 30328	25.8%	Delaware	Investments

The following is the sole owner of 10 percent or more of Trailsend Ventures, LLC:

<u>Name and Address</u>	<u>Ownership</u>	<u>Citizenship</u>	<u>Principal Business</u>
The Anthony Descendants Trust	98.3%	US	Trust

The following are the trustees of the trusts listed above:

<u>Name and Address</u>	<u>Citizenship</u>	<u>Principal Business</u>
Anne Cox Chambers 6205 Peachtree Dunwoody Road Atlanta, VA 30328	US	Investing
James C. Kennedy 6205 Peachtree Dunwoody Road Atlanta, VA 30328	US	Communications
Jimmy W. Hayes 6205 Peachtree Dunwoody Road Atlanta, VA 30328	US	Communications

Ms. Chambers and Mr. Hayes are trustees of Dayton-Cox Trust A and The Anthony Descendants Trust. Mr. Kennedy is a trustee of Dayton-Cox Trust A and The Anthony Descendants Trust and the sole trustee of the Atlanta Trust.

Other than their interests in Cox Communications, Inc., none of the entities or individuals listed above holds an attributable interest in any entity that provides interstate telecommunications services.

(i) Certification as to whether Transferee is, or is affiliated with, a foreign carrier

Cox is not affiliated with any foreign carrier.

(j) Certification as to whether Transferee seeks to provide international telecommunications services to any country in which Transferee is a foreign carrier or controls a foreign carrier or in which an entity that owns 25 percent or more of Transferee or controls Transferee also controls a foreign carrier

Cox certifies that it is not a foreign carrier and does not control a foreign carrier and that no entity that owns 25 percent or more of Cox or that controls Cox also controls a foreign carrier.

(k) Showing concerning affiliated foreign carriers

Not applicable.

(l) Showing concerning resale of switched services of unaffiliated carrier in country where the applicant is a foreign carrier or affiliated with a foreign carrier

Not applicable.

(m) Regulatory status of an applicant affiliated with a foreign carrier

Not applicable.

(n) Certification by Transferee concerning special concessions

Cox certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses market power on the foreign end of the route and that it will not enter into such agreements in the future.

(o) Certification by Transferee pursuant to 47 C.F.R. §§ 1.2001-1.2003 that no party to the Joint Application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 583

The parties hereby certify, pursuant to 47 C.F.R. §§ 1.2001-1.2003, that to the best of their knowledge, information, and belief, no party to this Application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 583.

(p) Streamlined processing

For the reasons described above, this Application is eligible for streamlined processing under Section 63.12(a)-(b) of the Commission's rules.

Information Required by Section 63.04 of the Commission's Rules

In lieu of an attachment, pursuant to Section 63.04(b) of the Commission's rules, 47 C.F.R. § 63.04(b), Applicants submit the following information in support of their request for domestic Section 214 authority to address the requirements of Section 63.04(a)(6)-(12). 47 C.F.R. § 63.04(a)(6)-(12):

1. Description of the transaction

Cox will acquire control of EasyTel by purchasing 100% of the stock of EasyTel from its current owner.

2. Geographic Areas and Services

This application requests authority to transfer control of EasyTel. EasyTel is a competitive local exchange carrier ("CLEC") authorized to offer telecommunications service in Oklahoma. EasyTel offers facilities-based local exchange and exchange access services and domestic and international long distance services to approximately 3,300 business customers in the Tulsa, Oklahoma, area.

Cox's affiliate Cox Oklahoma Telcom, LLC also is a CLEC authorized to offer telecommunications service in Oklahoma. Cox Oklahoma Telcom offers facilities-based local exchange and exchange access services and domestic and international long distance services to approximately 495,000 residential and business customers in the Oklahoma City and Tulsa, Oklahoma areas. Other Cox affiliates offer similar services in eighteen other states across the country.

EasyTel and Cox Oklahoma Telcom are both non-dominant carriers under the Commission's rules.

3. Expedited Treatment and Qualification for Streamlined Processing of Application

Cox (together with all of its affiliates) and EasyTel, individually and collectively, are non-dominant carriers with less than 10 percent of the domestic interstate market. Following the transaction, Cox and EasyTel will continue to provide competitive domestic and international telephone services in geographic areas where incumbent local exchange carriers that are not parties to this transaction are certificated and authorized to provide service. Therefore, this application qualifies for streamlined processing under Section 63.03(b)(2)(i) of the Commission's rules. 47 C.F.R. § 63.03(b)(2)(i). Granting expedited treatment of this application will further serve the public interest by allowing the Applicants to implement a smooth transition and bringing the benefits of this transaction to customers in Tulsa more promptly.

4. Other Applications Pending or to Be Filed with the Commission Related to the Same Transaction

None.

5. Special Considerations Because of Imminent Business Failure

There is no imminent business failure at this time and the parties do not request special considerations.

6. Identification of Separately-Filed Waiver Requests

None.

7. Public Interest Statement

The transaction will enhance Cox's ability to serve business customers in the Tulsa market by filling gaps in Cox's infrastructure and broadening the scope of its customer base. The transaction will benefit EasyTel's customers by providing them with service from a well-established, national provider of voice, broadband and video services, and permit them to take advantage of Cox's broad expertise and innovative services.

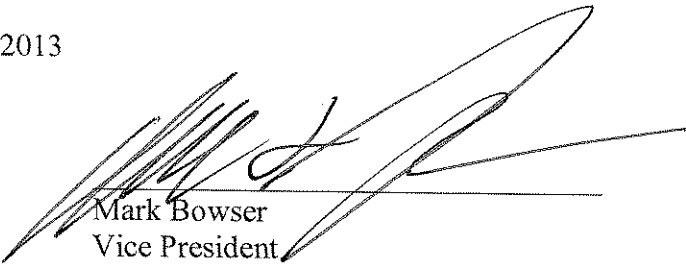
**APPLICATION FOR TRANSFER OF CONTROL OF INTERNATIONAL SECTION
214 AUTHORIZATION**

CERTIFICATION OF MARK BOWSER FOR COXCOM, LLC

I, Mark Bowser, Vice President of CoxCom, LLC, hereby certify the following:

- CoxCom, LCC, has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses market power on the foreign end of the route and that will not enter into such agreements in the future.; and
- CoxCom, LLC is not subject to a denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.

Dated: September 5, 2013



Mark Bowser
Vice President
CoxCom, LLC
1400 Lake Hearn Drive, N.E.
Atlanta, GA 30319

**APPLICATION FOR TRANSFER OF CONTROL OF INTERNATIONAL SECTION
214 AUTHORIZATION**

**CERTIFICATION OF TIMOTHY E. KLOEHR FOR EASYTEL
COMMUNICATIONS CARRIER CORPORATION**

I, Timothy E. Kloehr, President and sole owner of EasyTel Communications Carrier Corporation, hereby certify that neither I nor EasyTel Communications Carrier Corporation is subject to a denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.

Dated: September 5, 2013



Timothy E. Kloehr
President
EasyTel Communications Carrier Corporation
7335 South Lewis Ave., Suite 100
Tulsa, OK 74136