

Streamlined ITC-STA-20200219-00032
IB2020000404
Jaguar Communications, Inc

FEB 26 2020

Granted

date: February 26, 2020

authorized by: Chief, Telecommunications
and Analysis Division, International Bureau

ITC-T/C-20200219-00028

International Bureau

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

signature *Denise Coce*

Expires: August 24, 2020

In the Matter of)	
)	
Jaguar Communications, Inc.,)	
)	
Amended Application for Special Temporary)	IB File No. ITC-STA-20200219-00032
Authority to Continue to Operate as a)	
Telecommunications Carrier Under International)	
Section 214 Authority Pursuant to the)	
Communications Act of 1934, as Amended,)	
Notwithstanding Transfer of Control from)	
Jaguar Communications, Inc. to Provincial Real)	
Estate Holdings, LLC.)	

AMENDED APPLICATION OF JAGUAR COMMUNICATIONS, INC. FOR SPECIAL TEMPORARY AUTHORITY TO CONTINUE TO OPERATE AS A TELECOMMUNICATIONS CARRIER UNDER INTERNATIONAL SECTION 214 AUTHORITY, NOTWITHSTANDING TRANSFER OF CONTROL FROM JAGUAR COMMUNICATIONS, INC. TO PROVINCIAL REAL ESTATE HOLDINGS, LLC

Pursuant to Section 214 of the Communications Act, 47 U.S.C. § 214, Jaguar Communications, Inc. ("Jaguar" or "Applicant") hereby requests special temporary authority ("STA") to continue to operate as a telecommunications carrier, notwithstanding the transfer of control from Jaguar to Provincial Real Estate Holdings, LLC ("Provincial") as of January 8, 2013, as further described below. Jaguar provides competitive telecommunications services pursuant to an international Section 214 authorization. Jaguar and Provincial filed a Joint Application to Transfer Control of Jaguar Communications, Inc. to Provincial Real Estate

Holdings, LLC, CC Docket No. 20-47, IB File No. ITC-T/C-20200207-00028 (filed Feb. 19, 2020).¹

This transfer of control occurred without seeking approval from the Federal Communications Commission (“FCC” or “Commission”). Jaguar and Provincial were not aware at the time of this transfer that FCC rules required them to obtain the FCC’s prior approval before consummating this transfer of control and did not have FCC counsel. This STA request seeks to permit Jaguar to continue to provide telecommunications service to customers notwithstanding the unauthorized transfer of control.

BACKGROUND

Jaguar is a Minnesota corporation that has been providing telecommunications, internet and video services in the State of Minnesota since 2002. It obtained a certificate of authority from the Minnesota Public Utilities Commission in 2000. Jaguar holds an international Section 214 authorization to provide global or limited global resale services. IB File No. ITC-214-20010125-00060.² Prior to January 8, 2013, Jaguar’s shares were held by approximately 109 shareholders. Control of Jaguar at that time resided in Jaguar’s Board of Directors.

On January 8, 2013, all of the outstanding shares of Jaguar were converted to non-voting shares, Provincial was issued 100% of the voting interests of Jaguar, and Provincial was issued 90%³ of the financial interests of Jaguar. Jaguar and Provincial were not aware at the time that these changes required FCC approval and did not have FCC counsel.

¹ Jaguar also filed a separate STA request to continue to operate as a telecommunications carrier under Jaguar’s domestic Section 214 authorization.

² Jaguar holds a blanket domestic Section 214 authorization pursuant to 47 C.F.R. § 63.01.

³ Includes interests issued to Provincial on February 8, 2013 as part of the transaction described herein. These were issued at a later date because Jaguar needed to amend its Articles of Incorporation to permit for additional authorized shares to issue to Provincial.

STA REQUEST

Grant of the instant STA request is in the public interest because it will permit Jaguar's customers to continue to receive telecommunications services from Jaguar as they do today. As a competitive local exchange telephone company, Jaguar is in competition with much larger incumbent local exchange carriers, broadband providers, and cable TV providers that operate in its service territories in the State of Minnesota. It would be extremely disruptive to Jaguar's customers to have to abruptly change service providers in the absence of this STA. The FCC has granted STAs in other circumstances similar to the instant STA request.⁴

Jaguar submits that failure to request authorization from the FCC to transfer control of Licensee was inadvertent. It was due to a lack of knowledge that any FCC rules would be applicable to this transfer.

Applicant acknowledges that the grant of this STA will not prejudice any action the Commission may take on the underlying application seeking Commission consent to the transfer. Applicant further acknowledges that this STA may be revoked by the Commission upon its own motion without a hearing. Applicant further acknowledges that grant of the STA will neither preclude nor dictate the scope of any enforcement action related to the transfer of control.

⁴ See, e.g., *Rally Capital, LLC*, 22 FCC Rcd 17270 (Enf. Bur. 2007); *Skyport Global Communications, Inc.*, 24 FCC Rcd 3714 (Enf. Bur. 2009).

For the foregoing reasons, the Commission should grant Jaguar's STA for six months to allow it to continue to operate.

Respectfully submitted,

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