



PUBLIC NOTICE

Federal Communications Commission
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Released: January, 8 2003

DOMESTIC SECTION 214 APPLICATION FILED FOR ACQUISITION OF ASSETS OF TECH TELEPHONE COMPANY, L.P. BY AMA COMMUNICATIONS, L.L.C.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 02-389

On December 10, 2002, AMA Communications, L.L.C., (“AMA” or “Transferee”) and Tech Telephone Company, L.P. d/b/a TechTel Communications (“TechTel” or “Transferor”), filed an application pursuant to section 63.04 of the Commission’s rules,¹ for consent to the acquisition of assets from the bankruptcy estate of TechTel by AMA.² TechTel filed a voluntary bankruptcy petition under Chapter 11 of the United States Bankruptcy Code to restructure its operations.³

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(i) of the Commission’s rules because the transferee, AMA, would have a market share in the interstate, interexchange market of less than 10 percent; AMA would provide competitive telephone exchange services in geographic areas served by dominant local exchange carriers that are not parties to this transaction; and both AMA and TechTel are nondominant.⁴

TechTel is a Texas limited partnership that provides local exchange services, domestic and international long distance services, high-speed Internet access, and enhanced data services to more than 7,000 customers in Texas. TechTel was founded in 1998 to provide customers a “high tech, affordable alternative” to Southwestern Bell Telephone Company.

¹ 47 C.F.R. § 63.04; *see* 47 U.S.C. § 214.

² Applicants have also filed an application to transfer TechTel’s international authorization to AMA. Any action on this domestic 214 application is without prejudice to Commission action on other related pending applications.

³ *See In re: Application of Tech Telephone Co., L.P., Debtor*, No. 02-51082 (Bankr. N.D. Tex., Lubbock Div.).

⁴ 47 C.F.R. § 63.03(b)(2)(i).

AMA Communications, L.L.C. is a Texas limited liability corporation that was formed to purchase certain assets of TechTel, including telecommunications assets and customer accounts, from the bankruptcy estate.⁵ This transfer of control application is being filed to implement the Asset Purchase Agreement between the parties. The applicants state that approval of the proposed transfer of control will allow AMA to provide high-quality switched telecommunications services to TechTel's customers utilizing TechTel's existing facilities and services from other providers.

Applicants assert that granting this application will serve the public interest, convenience, and necessity by ensuring continuity of service to TechTel's customers and promoting competition in the domestic (and international interexchange services) market. Finally, Applicants state that competition will benefit U.S. consumers by increasing service options and lowering prices.

GENERAL INFORMATION

The transfer of control application 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 of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file **comments within 14 days** and **reply comments within 21 days** of this notice.⁶ Unless otherwise notified by the Commission, an applicant is permitted to transfer control of the domestic lines or authorization to operate on the 31st day after the date of this notice.⁷ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the

⁵ AMA is a wholly-owned subsidiary of AMA Wireless, LLC, a wireless internet services provider in Amarillo, Texas

⁶ *See* 47 C.F.R. § 63.03(a).

⁷ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893.
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: twilson@fcc.gov, and
- (3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 6-A461, Washington, D.C. 20554; e-mail: dcjohnso@fcc.gov, and
- (4) William Dever, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room , 5-C266, Washington, D.C. 20554; e-mail: wdever@fcc.gov; and
- (5) Imani Ellis-Cheek, Telecommunications Division, International Bureau, 445 12th Street, S.W., Room 6-A739, Washington, D.C. 20554; email: iellis@fcc.gov; and
- (6) Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: njoshi@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room

CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

For further information, please contact Tracey Wilson, at (202) 418-1394, Dennis Johnson at (202) 418-0809, or William Dever, Competition Policy, Wireline Competition Bureau at (202) 418-1578.

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