



PUBLIC NOTICE

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DA 12-1791
Released: November 7, 2012

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
FIRST COMMUNICATIONS, LLC, GLOBALCOM, INC., XTENSION SERVICES, INC. FROM
FIRST COMMUNICATIONS, INC. TO SUMMIT DATA SERVICES, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 12-326

Comments Due: November 21, 2012
Reply Comments Due: November 28, 2012

On November 1, 2012, First Communications, Inc. (FCI), First Communications, LLC (FCL), Globalcom, Inc. (Globalcom), Xtension Services, Inc. (Xtension and, together with FCL and Globalcom, Licensees), and Summit Data Services, Inc. (Summit and, together with FCI and Licensees, Applicants), filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer control of Licensees to Summit.

FCI, a Delaware corporation, is a holding company that operates Licensees, all U.S. entities. Licensees offer competitive telecommunications services in 49 states.² Summit, an Ohio corporation formed for purposes of this transaction, does not currently provide telecommunications services. Applicants state that Joseph R. Morris, a U.S. citizen and President of FCI and Licensees until June 30, 2012, owns 90 percent of Summit and does not currently hold interests in any telecommunications carrier other than a minor interest in Licensees and FTS. Pursuant to the terms of the proposed transaction, Summit will acquire control of Licensees by acquiring from FCI 100 percent of the membership interests of FCL, 100 percent of the shares of Xtension, and 100 percent of the shares of First Global Telecom, Inc., the direct parent of Globalcom. As a result, Licensees will become wholly owned subsidiaries of

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants also filed an application for transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² The states in which each of the Licensees operates is listed in Applicants' domestic section 214 application. *Joint Application of First Communications, Inc., First Communications, LLC, Globalcom, Inc., Xtension Services, Inc. and Summit Data Services, Inc. for Grant of Authority to Complete a Transfer of Control of Authorized Domestic and International Section 214 Carriers*, WC Docket No. 12-326 at 9-10 (filed Nov. 1, 2012). FCI's subsidiary, First Telecom Services, LLC (FTS), an Ohio limited liability company, provides competitive telecommunications services in multiple states in the Midwest and Mid-Atlantic areas. FCI has separately sought Commission approval to transfer control of FTS to Zayo Group, LLC. *Domestic Section 214 Application Filed for the Transfer of Control of First Telecom Services, LLC from First Communications, Inc. to Zayo Group, LLC*, WC Docket No. 12-315, Public Notice, DA 12-1778 (rel. Nov. 5, 2012).

Summit. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.³

Domestic Section 214 Application Filed for the Transfer of Control of First Communications, LLC, Globalcom, Inc., Xtension Services, Inc. from First Communications, Inc. to Summit Data Services, Inc., WC Docket No. 12-326 (filed Nov. 1, 2012).

GENERAL INFORMATION

The transfer of control 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 application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before November 21, 2012**, and reply comments **on or before November 28, 2012**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁴ Comments should be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

In addition, e-mail one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Myrva.Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: (202) 488-5300; fax: (202) 488-5563; e-mail: fcc@bcpiweb.com; url: www.bcpiweb.com.

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³ 47 C.F.R. § 63.03(b)(2)(i).

⁴ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

For further information, please contact Myrva Charles at (202) 418-1506 or Jodie May at (202) 418-0913.

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