



PUBLIC NOTICE

Federal Communications Commission
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**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN
ASSETS OF APPLEWOOD COMMUNICATIONS CORPORATION
BY TELRITE CORPORATION**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 12-314

Comments Due: November 22, 2012
Reply Comments Due: November 29, 2012

On October 19, 2012, Applewood Communications Corporation (Applewood) and Telrite Corporation (Telrite) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules,¹ requesting approval for the transfer of certain assets of Applewood to Telrite.

Applewood, a Delaware corporation, provides interstate and intrastate interexchange telecommunications services. Specifically, Applewood provides interexchange telecommunications services in the District of Columbia and the following states: Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. Applicants state that Applewood has no affiliates.

Telrite, a Georgia corporation, provides interexchange telecommunications services in the District of Columbia and the following states: Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Washington, Wisconsin and Wyoming. Applicants state that Telrite provides competitive local exchange services in the states of Florida, Georgia, Indiana, Iowa, Maine, Maryland, Montana, Ohio, Oklahoma, Oregon, Rhode Island, Texas, West Virginia, Washington and Wisconsin. Applicants state that Telrite provides eligible telecommunications carrier services through Telrite Corporation d/b/a

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 pending applications. Applicants filed supplements to their application on October 31, 2012 and November 6, 2012.

Life Wireless in the states of Arkansas, Georgia, Illinois, West Virginia, Louisiana, Maryland, Minnesota, Missouri and Rhode Island. Telrite is wholly owned by Telrite Holdings, Inc. The following U.S. citizens own a ten percent or greater ownership or equity interest in Telrite Holdings, Inc.: Reginald McFarland (approximately 29 percent), Darryl Davis (approximately 23.4 percent), and Michael Geoffroy (approximately 10.6 percent). Darryl Davis has a fifty percent ownership share in Marketing Advanced Communications, Inc. d/b/a MAC Works, a long distance and local exchange telecommunications company based in Georgia. Applicants state that there are no other owners with a ten percent or greater ownership or equity interest in Telrite Holdings.

On May 10, 2012, Telrite entered into an Asset Purchase Agreement with Applewood. According to the Asset Purchase Agreement, Applewood will transfer to Telrite certain assets, including customer lists, customer accounts, and computer servers. After consummation of the proposed transaction, Applewood will no longer operate. Applicants state that the customers of Applewood will benefit from the resources and assets of Telrite, which will help ensure continuity of service to customers. Applicants state that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules² and that a grant of the application will serve the public interest, convenience, and necessity.

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Applewood Communications Corporation by Telrite Corporation, WC Docket No. 12-314 (filed Oct. 19, 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 22, 2012**, and reply comments **on or before November 29, 2012**. Pursuant to section 63.52 of the Commission's rules, 47 C.F.R. § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.³

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents in this proceeding using the Commission's Electronic Comment Filing System (ECFS): <http://fjallfoss.fcc.gov/ecfs2/>.

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

- 1) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and

² 47 C.F.R. § 63.03(b)(2)(i).

³ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

4) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

The proceeding in this Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁴ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 C.F.R. § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Tracey Wilson at (202) 418-1394 or Dennis Johnson at (202) 418-0809.

⁴ 47 C.F.R. §§ 1.1200 *et seq.*