



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 12-1931  
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## DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF RIGHTLINK USA, INC. TO MIN-SU KANG

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 12-258

**Comments Due: December 14, 2012**  
**Reply Comments Due: December 21, 2012**

On September 14, 2012, Michael Ukwendu and Min-Su Kang (together, Applicants) filed an amended application pursuant to section 63.03 of the Commission's rules<sup>1</sup> requesting approval for approval to transfer control of RightLink USA, Inc. (RightLink) from Michael Ukwendu to Min-Su Kang (the Transaction). In the spring of 2012, Applicants consummated the transfer of control without prior authorization from the Commission.<sup>2</sup>

RightLink, a Florida corporation, holds blanket domestic Section 214 authority to provide telecommunications services. RightLink is currently authorized to provide competitive local exchange service in Florida to residential and business customers. Prior to consummation of the transaction, RightLink was wholly owned by Michael Ukwendu.

Min-Su Kang, a U.S. citizen, holds investments in telecommunications and debt resolution. Mr. Kang wholly owns Capital Communications Consultants, Inc., a provider of competitive local exchange and interexchange services in Alabama, Georgia, Kentucky, Louisiana and South Carolina. CapCom also holds authority to provide these same services in North Carolina, but does not yet provide services in that state. Mr. Kan recently received authority to acquire ownership of Four Star Marketing, LLC d/b/a Mid-South Home Phone (Mid-South), which provides competitive local exchange and interexchange services in Mississippi and Tennessee.<sup>3</sup> Mid-South also holds authorizations in Kentucky and Louisiana, but does not yet provide services in those states.

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<sup>1</sup> 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214.

<sup>2</sup> Applicants also filed a request for special temporary authority (STA) with the Wireline Competition Bureau to allow RightLink to continue to provide service to customers while its section 214 application is pending. On November 6, 2012, the Wireline Competition Bureau granted the STA for the domestic authorization for a period of 60 days. On November 16, 2012, Applicants filed an amended application. A grant of the application will be without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules.

<sup>3</sup> *Notice of Domestic Section 214 Granted*, WC Docket No. 12-300, Public Notice, DA 12-1897 (WCB 2012).

Pursuant to the terms of a stock purchase agreement, Min-Su Kang purchased all of the equity interests of RightLink. Although the transaction resulted in a change in the control of RightLink, no assignment of authorizations, assets, or customers will occur as a consequence of the proposed transaction. Applicants state that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules<sup>4</sup> and that a grant of the application will serve the public interest, convenience, and necessity.

Domestic Section 214 Application Filed for the Transfer of Control of RightLink USA, Inc. to Min-Su Kang, WC Docket No. 12-258 (filed Sept. 6, 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 December 14, 2012**, and reply comments **on or before December 21, 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 31<sup>st</sup> day after the date of this notice.<sup>5</sup>

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) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, [dennis.johnson@fcc.gov](mailto:dennis.johnson@fcc.gov);
- 2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, [tracey.wilson@fcc.gov](mailto:tracey.wilson@fcc.gov);
- 3) David Krech, Policy Division, International Bureau, [david.krech@fcc.gov](mailto:david.krech@fcc.gov); and
- 4) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov).

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The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>6</sup> Persons making *ex parte* presentations must file a

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<sup>4</sup> 47 C.F.R. § 63.03(b)(2)(i).

<sup>5</sup> Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

<sup>6</sup> 47 C.F.R. §§ 1.1200 *et seq.*

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 at Dennis Johnson (202) 418-0809 or Tracey Wilson at (202) 418-1394.