



# 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 13-2216

Released: November 19, 2013

## DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF FUSION CONNECT, LLC BY FIRST CHOICE TECHNOLOGY OF LOUISIANA, LLC

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 13-270

**Comments Due: December 3, 2013**

**Reply Comments Due: December 10, 2013**

On November 12, 2013, Fusion Connect, LLC (Fusion) and First Choice Technology of Louisiana, LLC (First Choice) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules<sup>1</sup> to transfer assets of Fusion to First Choice.

Fusion, a Texas limited liability company, resells domestic long distance service in 48 states and the District Columbia. Applicants state that the following U.S. citizens each hold a 25 percent ownership interest in Fusion: Lovkesh Kalia, Mahesh Kalia, Satish Kumar, and Kyle Hensley. First Choice, a Louisiana limited liability company, resells domestic long distance service in 48 states and the District Columbia. Applicants state that the following U.S. citizens hold a 33.3 percent ownership interest in First Choice: Scott Howsare, Leon Nowalsky, and Ava Rosenberg. Applicants state that none of the First Choice owners have a 10 percent or greater ownership interest in any other telecommunications carrier.

Pursuant to the terms of the proposed transaction, First Choice will acquire substantially all of the assets of Fusion, and Fusion will no longer provide telecommunications services. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under 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.<sup>2</sup>

Domestic Section 214 Application Filed for the Acquisition of Assets of Fusion Connect, LLC by First Choice Technology of Louisiana, LLC, WC Docket No. 13-270 (filed Nov 12, 2013).

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

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

## GENERAL INFORMATION

The transfer 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 3, 2013**, and reply comments **on or before December 10, 2013**. 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>3</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) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, [tracey.wilson@fcc.gov](mailto:tracey.wilson@fcc.gov);
- 2) Jodie May, Competition Policy Division, Wireline Competition Bureau, [jodie.may@fcc.gov](mailto:jodie.may@fcc.gov);
- 3) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto: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](mailto: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.<sup>4</sup> 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.

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

<sup>4</sup> 47 C.F.R. §§ 1.1200 *et seq.*

For further information, please contact Tracey Wilson at (202) 418-1394 or Jodie May at (202) 418-0913.

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