



PUBLIC NOTICE

Federal Communications Commission
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DA 18-59
January 19, 2018

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF
CERTAIN ASSETS OF BCN TELECOM, INC. BY NETWORK BILLING SYSTEMS LLC**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 18-6

Comments Due: February 2, 2018
Reply Comments Due: February 9, 2018

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application filed by BCN Telecom, Inc. (BCN) and Network Billing Systems LLC d/b/a Fusion d/b/a Solex (NBS) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules, requesting approval to transfer certain assets and customers from BCN to NBS.¹

BCN, a New Jersey corporation, is authorized to provide competitive local and long-distance telecommunications services throughout the United States. NBS, a New Jersey limited liability corporation, provides competitive local and long-distance telecommunications services throughout the United States. NBS is ultimately owned by Fusion Telecommunications International, Inc., which also provides competitive telecommunication services throughout the United States.²

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed applications for the transfer of authorizations associated with international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

² On January 5, 2018, the Bureau released a Public Notice granting an application for the transfer of control of Fusion Telecommunications International, Inc. to the shareholders of Birch Communications, Inc. Notice of *Domestic Section 214 Authorization Granted*, WC Docket No. 17-301, Public Notice, DA 18-16 (WCB Jan. 5, 2018); *Domestic Section 214 Application filed for the Transfer of Control of Fusion Telecommunications International, Inc.*, WC Docket No. 17-301, Public Notice, DA 17-1174 (WCB Dec. 5, 2017) (Fusion/Birch Initial Public Notice). In that transaction, Applicants stated that the following will own a 10% or greater interest in Fusion and NBS: the shareholders of Birch Communications, Inc. through BCHI Holdings, LLC (BHoldLLC) (75 percent of stock in Fusion and a 100 percent indirect interest in NBS); Holcombe T. Green (U.S. citizen, an approximate 62 percent voting and equity interest in BHoldLLC resulting in an attributed 75 percent indirect interest in Fusion and an attributed 100 percent indirect interest in NBS); and R. Kirby Godsey (U.S. citizen, an approximate 24 percent voting and equity interest in BHoldLLC resulting in an

Pursuant to the terms of the proposed acquisition, BCN will sell its interest in a limited subset of its customer base, primarily comprised of commercial subscribers located in Alabama, California, Florida, Georgia, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and Texas, to NBS. The Applicants state that following the proposed grant of this transaction, NBS will serve this subset of former BCN subscribers and will continue to provide domestic telecommunications services to those customers. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under sections 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
BCN Telecom, Inc., to Network Billing Systems LLC
WC Docket No. 18-6 (filed Jan. 9, 2018).

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 February 2, 2018**, and reply comments **on or before February 9, 2018**. Pursuant to section 63.52 of the Commission's rules, 47 CFR § 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.

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

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, International Bureau, david.krech@fcc.gov;
- 4) Sumita Mukhoty, International Bureau, Sumita.mukhoty@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

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attributed 18 percent indirect interest in Fusion and NBS). Fusion/Birch Initial Public Notice at 2.

³ 47 CFR § 63.03(b)(2)(i).

The proceeding in this Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. 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 CFR § 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.

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