



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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

DA 18-276
March 20, 2018

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF BROADSMART FLORIDA, INC. TO NEXXIS INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 18-78

Comments Due: April 3, 2018
Reply Comments Due: April 10, 2018

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Broadsmart Florida, Inc. (Broadsmart) and Nexxis Inc. (Nexxis) (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 control of Broadsmart to Nexxis.¹

Broadsmart, a Florida corporation, provides competitive local exchange and interexchange telecommunications services in Florida. Nexxis, a Nevada corporation, provides U.S.-based Voice-over-Internet-Protocol (VoIP) and other services but does not hold section 214 authority or any state telecommunications services authority. Applicants state that the following Nevada corporation and U.S. citizen hold a 10 percent or greater interest in Nexxis: Data Storage Corporation (DSC) (80 percent) and Mr. John Camello (20 percent).²

Pursuant to the terms of the proposed transaction, Nexxis will acquire all of the outstanding interests in Broadsmart. As a result, Broadsmart will become a direct wholly owned subsidiary of

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

² Applicants state that DSC is not a telecommunications provider. Applicants further state that the majority of the interests in DSC are held by three U.S. citizens: Charles Piluso (25.52 percent), Harold J. Schwartz (20.22 percent), and Thomas C. Kempster (20.2 percent) (together, the Majority Shareholders) and that no other entity or individual holds a 10 percent or greater ownership interest in DSC. Applicants also state that neither DSC, the Majority Shareholders, nor Mr. Camello hold interests in any other telecommunications company.

Nexxis and an indirect subsidiary of DSC. 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
Broadsmart Florida, Inc. to Nexxis Inc., WC Docket No. 18-78 (filed Mar. 13, 2018).

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 April 3, 2018**, and reply comments **on or before April 10, 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) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@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.

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), 1-888-835-5322 (tty).

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

³ 47 CFR § 63.03(b)(2)(i).

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 Myrva Charles at (202) 418-1506 or Gregory Kwan at (202) 418-1191.

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