



# PUBLIC NOTICE

**Federal Communications Commission**  
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**Washington, D.C. 20554**

**News Media Information 202 / 418-0500**  
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**DA 18-1097**  
**October 25, 2018**

## **DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF SPECTROTEL, INC.**

### **STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 18-292**

**Comments Due: November 8, 2018**  
**Reply Comments Due: November 15, 2018**

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application filed by Spectrotel, Inc., f/k/a Plan B Communications, Inc. (Spectrotel or Plan B), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules, requesting consent for the transfer of control of Spectrotel to Mr. Jacob Dayan.<sup>1</sup> Spectrotel consummated the transaction without prior Commission approval when Spectrotel emerged from bankruptcy on November 25, 2002.<sup>2</sup>

Spectrotel, a Delaware corporation, is a competitive local exchange carrier (LEC) that resells voice and data services to small and mid-sized businesses and enterprise customers.<sup>3</sup> On March 16, 2001, Spectrotel (then known as Plan B Communications, Inc.) filed a voluntary petition

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<sup>1</sup> See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Spectrotel also filed applications for the transfer of authorizations associated with international services. On October 12 and 19, 2018, Spectrotel filed supplements to their domestic section 214 application. Any action on the domestic section 214 applications is without prejudice to Commission action on other related, pending applications.

<sup>2</sup> Letter from Matthew A. Brill, counsel to Spectrotel, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-292 (filed Oct. 12, 2018). On October 25, 2018 the Bureau granted Spectrotel's request for special temporary authority to authorize Spectrotel to continue providing service for 60 days pending approval of the domestic section 214 application. A grant of the application would be without prejudice to any enforcement action by the Commission for non-compliance with the Act or the Commission's rules.

<sup>3</sup> Spectrotel holds 85 percent of Spectrotel Holding Company, LLC (Spectrotel Holding Company), a Delaware limited liability company, which wholly owns the following competitive LECs: Spectrotel of New York LLC (providing service in New York), Spectrotel of Virginia LLC (providing service in Virginia), Spectrotel of New Jersey LLC (providing service in New Jersey), Spectrotel of Pennsylvania LLC (providing service in Pennsylvania), Spectrotel of Maryland LLC (providing service in Maryland), Spectrotel of Alabama LLC (providing service in Alabama), and Spectrotel of New England (providing service in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont).

to reorganize under Chapter 11 of the United States Bankruptcy Code.<sup>4</sup> Prior to the reorganization, Plan B was controlled by its board of directors, however, upon emerging from bankruptcy, control of Spectrotel was transferred to Mr. Jacob Dayan, a U.S. citizen, who has since wholly owned Spectrotel and serves as its Chief Executive Officer.<sup>5</sup>

Spectrotel asserts the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(1)(ii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.<sup>6</sup>

Domestic Section 214 Application Filed for the Transfer of Control of Spectrotel, Inc.,  
WC Docket No. 18-292 (filed September 25, 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 November 8, 2018**, and reply comments **on or before November 15, 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](mailto:myrva.charles@fcc.gov);
- 2) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, [gregory.kwan@fcc.gov](mailto:gregory.kwan@fcc.gov);
- 3) David Krech, International Bureau; [david.krech@fcc.gov](mailto:david.krech@fcc.gov);
- 4) Sumita Mukhoty, International Bureau; [sumita.mukhoty@fcc.gov](mailto:sumita.mukhoty@fcc.gov); and

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<sup>4</sup> Upon entry into bankruptcy, Plan B Communications, Inc. was operated by the debtor-in-possession subject to the supervision of the Bankruptcy Court, which resulted in a *pro forma* transfer of control of Plan B. The company emerged from bankruptcy on November 25, 2002 and, at that time, the name of the company was changed to Spectrotel, Inc.

<sup>5</sup> Mr. Dayan held a 15.7 percent interest in Spectrotel prior to the reorganization. Mr. Dayan also controls a U.S. limited partnership that holds trusts for the benefit of Mr. Dayan and his children that holds another 10 percent of Spectrotel Holding Company. Mr. Dayan does not hold interests in any other telecommunications provider.

<sup>6</sup> 47 CFR § 63.03(b)(1)(ii).

5) 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), 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 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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