

HERMAN & WHITEAKER, LLC

GRANTED

SEP 13 2017

Competition Policy Division
Wireline Competition Bureau

Effective for sixty (60) days

September 1, 2017

Via ECFS and IBFS

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RE: Clarity Telecom, LLC d/b/a Vast Broadband, Assignor, and Long Lines
Metro, LLC, Assignee – Request for Special Temporary Authority

Dear Ms. Dortch:

Clarity Telecom, LLC d/b/a Vast Broadband (“Vast” or “Assignor”) and Long Lines Metro, LLC (“Metro” or “Assignee”) (collectively, the “Applicants”), through the undersigned counsel and pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.24 of the Commission’s Rules, 47 C.F.R. § 63.24, respectfully request Special Temporary Authority (“STA”) for continued operation of facilities in, and provision of service to customers in the Storm Lake and Sioux City, Iowa local exchange areas, and the North Sioux City and McCook Lake, South Dakota local exchange areas (“Transferred Service Areas”) pursuant to the assignment of assets and customer relationships and the partial assignment of international Section 214 authorizations from Vast, a non-dominant provider of domestic and international services, to Metro, also a non-dominant provider of domestic and international services.

Specifically, effective June 30, 2017, Vast assigned all the assets utilized to provide telecommunications services in the Transferred Service Area, along with the telephone customers served in such area to Metro pursuant to an asset purchase agreement (“Agreement”) between Vast, its parent, and Metro’s parent, Long Lines, LLC (“Long Lines”). The transaction resulted in the assignment of Vast’s domestic operations and customers, *see* 47 C.F.R. §§ 63.01, 63.03, and 63.04, and the partial assignment Vast’s international Section 214 authorizations

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pursuant to 47 C.F.R. §§ 63.18 and 63.24. *See* File No. ITC 214-19990625-00428, and File No. ITC-214-20020619-00300. Vast, however, retained its international Section 214 authorizations, and Metro provides international service pursuant to Long Line's authority, *see* File No. ITC-214-20060724-00362, as a wholly owned, indirect subsidiary of Long Lines. In addition, Vast is continuing to provide the telecommunications services in the Transferred Service Area pursuant to a Transition Services Agreement. Additional details about the transaction and parties are included in the joint domestic and international application filed concurrently herewith and attached hereto as Exhibit A (the "Application") seeking Commission approval for the transaction.

Unfortunately, the Applicants did not seek timely Commission approval of the transaction. The oversight was inadvertent and unintentional. At the time of the transaction, the Applicants did not have advice from federal communications counsel on this very small transaction involving less than 1,500 voice customers and were not aware of the obligation to request Commission approval of the assignment of the assets and customers and partial assignment of the international Section 214 authorizations. As soon as the Applicants learned of this oversight, the Applicants immediately took steps to remedy the situation and to seek authority, to the extent necessary, for the continued operation of the assets and provision of service to customers. The Applicants regret this oversight and have taken steps to ensure compliance with all applicable Federal Communications Commission requirements going forward.

Grant of the requested Special Temporary Authority ("STA") will serve the public interest by permitting the continued, uninterrupted provision of service to customers while the Commission reviews the Application. Grant of the STA also will promote competition in the communications services marketplace. Without discounting the regulatory obligation to obtain prior approval, the Applicants note that no harm to customers or to the market occurred as a result of Applicants' oversight. Instead, the transaction will have a positive impact on the affected operations and customers, and Metro's ability to provide competitive voice, Internet, and video services to customers. The Applicants have acted in good faith to rectify the failure to file for approval of the domestic and international assignments as quickly as possible.

The Applicants request temporary authority for sixty (60) days while the Application is pending. The Applicants acknowledge that the grant of this STA will not prejudice any action the Commission may take on the Application, and that once granted, the STA may be revoked on the Commission's own notice, without a hearing. The Applicants further acknowledge that grant of the STA will neither preclude nor dictate the scope of any enforcement action related to the underlying transaction.

This filing with the International Bureau and the applicable credit card payment in the amount of \$1,155.00, which satisfies the filing fee required under line 2.d. of Section 1.1107 of the Commission's rules, are being submitted electronically through the MyIBFS.

Herman & Whiteaker, LLC

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Please contact the undersigned counsel if you have any questions or require further information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Whiteaker', with a long horizontal flourish extending to the right.

Gregory W. Whiteaker
*Counsel for Clarity Telecom, LLC d/b/a
Vast Broadband and Long Lines Metro, LLC*

Attachment

cc: Tracey Wilson, Wireline Competition Bureau
Myrva Charles, Wireline Competition Bureau
David Krech, International Bureau