PUBLIC NOTICE

Federal Communications Commission
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DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF MEGAPATH CORPORATION BY GC PIVOTAL, LLC D/B/A GLOBAL CAPACITY

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 14-173

Comments Due: October 30, 2014
Reply Comments Due: November 6, 2014

On October 2, 2014, MegaPath Corporation (MegaPath) and GC Pivotal, LLC d/b/a Global Capacity (Global Capacity) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer certain assets from MegaPath to Global Capacity.[1]

MegaPath, a Virginia corporation, offers competitive telecommunications services and other services to business customers in multiple states. Global Capacity, a Delaware limited liability company, provides competitive telecommunications services in multiple states. Applicants state that Pivotal Global Capacity, LLC, an Arizona limited liability company, does not provide telecommunications services and owns 100 percent of Global Capacity. Applicants further state that FFN Investments, LLC (FFN), an Arizona limited liability company, owns 100 percent of Pivotal Global Capacity, LLC. They state that the Najafi 2006 Irrevocable Trust owns 60 percent of FFN, and the F. Francis Najafi Family Trust owns 40 percent of Global Capacity as a 30 percent direct owner of FFN and a 10 percent indirect owner of FFN through Pivotal Capital Corporation. Pivotal Capital Corporation owns 10 percent of FFN and is wholly owned by the F. Francis Najafi Family Trust. Applicants state that all entities are U.S.-based and that no other individual or entity holds a 10 percent or greater direct or indirect ownership interest in Global Capacity.

Pursuant to the terms of the proposed transaction, Global Capacity will acquire assets from MegaPath, including customer accounts and equipment. Applicants state that MegaPath does not intend to transfer its certifications and other authority to provide telecommunications services to Global Capacity; nor will it undergo a transfer of control as a result of the proposed transaction. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section

[1] 47 C.F.R § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

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.[2]

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of MegaPath Corporation by GC Pivotal, LLC d/b/a Global Capacity, WC Docket No. 14-173 (filed Oct. 2, 2014).

GENERAL INFORMATION

The transfer of assets 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 October 30, 2014**, and reply comments **on or before November 6, 2014**. 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 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 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) Myrva Freeman, Competition Policy Division, Wireline Competition Bureau, myrva.freeman@fcc.gov;

2) David Krech, Policy Division, International Bureau, david.krech@fcc.gov;

3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;

4) 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), (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. 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

[2] 47 C.F.R. § 63.03(b)(2)(i).

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.

For further information, please contact Myrva Freeman at (202) 418-1506 or Jodie May at 202-418-0913.

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