



PUBLIC NOTICE

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COMMON CARRIER BUREAU ISSUES REMINDER TO PROVIDERS OF DOMESTIC TELECOMMUNICATIONS SERVICES TO REQUEST AUTHORIZATION UNDER SECTION 214 PRIOR TO ENGAGING IN A TRANSFER OF CORPORATE CONTROL

CC Docket No. 01-150 /

On July 20, 2001, the Commission released a Declaratory Ruling and Notice of Proposed Rule Making that clarified -- and proposed further streamlining of -- rules governing requests for authorization pursuant to section 214 of the Communications Act of 1934, as amended, to transfer domestic interstate transmission lines through an acquisition of corporate control.¹ The Commission clarified in the Declaratory Ruling that any party, including a non-dominant carrier, that "would be a domestic interstate communications common carrier," either before or after a proposed transaction, must obtain Commission approval prior to consummating a transaction involving an acquisition of corporate control.²

The Bureau is issuing this public notice to remind carriers of their obligations. Several carriers have recently attempted to file *nunc pro tunc*³ applications, indicating that they have already engaged in transfers of corporate control. Such applications are not acceptable for filing. In addition, concurrent with release of the Commission's Declaratory Ruling and Notice of Proposed Rule Making in July, the Bureau released a public notice describing the appropriate content of applications.⁴ Carriers are hereby reminded that Commission authorization is required prior to engaging in any transaction that results in a change in ultimate control of a corporation providing domestic interstate telecommunications services, and that applications for authorization that do not comport with the Bureau's July 20th public notice may not be acceptable for filing.

For further information, contact Tracey Wilson (202) 418-1394 or Bill Dever (202) 418-1578, Policy & Program Planning Division.

¹ *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, CC Docket No. 01-150, Declaratory Ruling and Notice of Proposed Rule Making, 16 FCC Rcd 14109 (2001) ("*Streamlining NPRM*").

² *Streamlining NPRM*, 16 FCC Rcd at 14110 (quoting 47 C.F.R. § 63.01).

³ The term *nunc pro tunc*, meaning "now for then," refers to acts allowed to be done after the time when they should be done, with a retroactive effect. See BLACK'S LAW DICTIONARY 1069 (6th ed. 1990).

⁴ Common Carrier Bureau Announces Procedures for Applicants Requiring Section 214 Authorization for Acquisitions of Corporate Control, *Public Notice*, 16 FCC Rcd 13862 (2001).