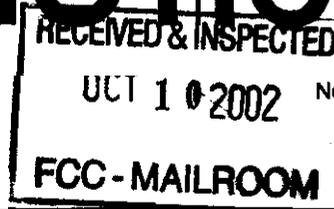




PUBLIC NOTICE

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



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DA 02-2615

Released: October 10, 2002

DOMESTIC SECTION 214 APPLICATION FILED FOR CONSENT TO ACQUISITION OF ASSETS OF TELCORP, LTD. BY NUI TELECOM, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 02-323

On September 9, 2002, Telcorp, Ltd. (Telcorp) and NUI Telcom, Inc. (NUI) filed an application pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, for consent to the acquisition of assets of Telcorp by NUI.¹

Applicants assert that this application is subject to streamlined processing under section 63.03(b)(1)(i) of the Commission's rules because both applicants are non-facilities based carriers, and under section 63.03(b)(2)(i) because neither of the applicants is dominant with respect to any service?

Telcorp, transferor, is a corporation organized under the laws of the State of New York. Telcorp is a non-dominant carrier that resells domestic and international long distance service from various facilities-based carriers. Telcorp is authorized by the Commission to offer domestic interstate and international services in 50 states and the District of Columbia.

NUI, transferee, is a corporation organized under the laws of the State of New Jersey. NUI is a non-dominant carrier that provides intrastate, interstate and international long distance service through resale of purchased services from various facilities-based carriers. NUI is authorized by the Commission to offer domestic interstate and international services in 50 states and the District of Columbia.

¹ The applicants have also filed an application to transfer Telcorp's international section 214 authorization to NUI, which will be handled separately. Action on this domestic 214 application is without prejudice to Commission action on any other related pending application.

² See 47 C.F.R. §§ 63.03(b)(1)(i), 63.03(b)(2)(i).

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, **N.E.** Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893.
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: twilson@fcc.gov, and
- (3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 6-A461, Washington, D.C. 20554; e-mail: dcjohnso@fcc.gov; and
- (4) Imani Ellis-Cheek, Telecommunications Division, International Bureau, 445 12th Street, S.W., Room 6-A739, Washington, D.C. 20554; email: iellis@fcc.gov; and
- (5) Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: njoshi@fcc.gov.

Filings and comments **are** also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals 11, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail aualexintfi@aol.com.

For further information, please contact Tracey Wilson, at (202) 418-1394 or Bill Dever, Competition Policy Division, Wireline Competition Bureau at (202) 418-1578.

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NUI and Telcorp have entered into an asset purchase agreement whereby NUI will purchase the assets of Telcorp. NUI proposes to acquire the customer accounts and related telecommunications assets of Telcorp and to begin to provide long distance service to the customers of Telcorp. After the transaction, NUI will continue to operate, in all material respects, as it currently operates. The technical, managerial and financial personnel of NUI will remain the same and NUI will continue to provide service under its present section 214 authority. NUI will continue to operate as a non-dominant carrier.

Applicants assert that grant of this application will serve the public interest by permitting the combined companies to compete more effectively in the market for resold services. They state that NUI's operations will more readily increase in size and profitability due to enhanced economies of scale, and as a result, the combined companies will be able to offer better service to customers at competitive rates, which will benefit consumers.

GENERAL INFORMATION

The transfer of control application 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 of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file **comments within 14 days** and **reply comments within 21 days** of this notice? Unless otherwise notified by the Commission, an applicant is permitted to transfer control of the domestic lines or authorization to operate on the 31st day after the date of this notice. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of *this* proceeding, commenters must submit *two* additional copies for each additional docket or rulemaking number.

³ See 47 C.F.R. § 63.03(a).