



# PUBLIC NOTICE

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DA 04-3356

Released: October 22, 2004

## DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL OF GILLETTE GLOBAL NETWORK, INC., D/B/A EUREKA NETWORKS TO S-ONE COMMUNICATIONS, INC.

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 04-395

Comments Due: November 5, 2004

Reply Comments Due: November 15, 2004

On September 30, 2004, S-ONE Communications, Inc. ("S-ONE") and Gillette Global Network, Inc. d/b/a Eureka Networks ("Eureka") (together, "Applicants") filed an application, pursuant to sections 63.03 and 63.04 of the Commission's rules,<sup>1</sup> requesting approval for Eureka to transfer control to S-ONE certain telecommunications assets that comprise Eureka's domestic and international private line data and voice circuit business, including certain commercial customer accounts associated with those assets.<sup>2</sup>

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(i) of the Commission's rules because, immediately following the proposed transactions, (1) the transferee would hold less than a ten percent (10%) share of the interstate, interexchange market; (2) the transferee would provide local exchange service only in areas served by a dominant local exchange carrier that is not a party to the transaction; and (3) neither of the Applicants is dominant with respect to any service.<sup>3</sup>

Eureka provides domestic interstate private line data and voice communications services primarily in New York, New Jersey, Connecticut, Massachusetts, and Pennsylvania. More

<sup>1</sup> 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

<sup>2</sup> Applicants are also filing an application for consent to transfer authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related pending applications.

<sup>3</sup> 47 C.F.R. § 63.03(b)(2)(i).

specifically, Eureka operates a private line data and voice circuit business in which circuits are utilized by customers that engage in financial trading, energy trading and securities brokerage services. For example, Eureka offers businesses in the New York metropolitan area a single source for voice communications services, high-speed Internet, dedicated private lines, managed security services and data networking solutions.

S-ONE is a recently formed company, which plans to acquire the Eureka Assets in order to continue offering the same private line data and voice services that are currently provided by Eureka to certain trading and brokerage company customers. S-ONE does not currently offer service in any geographic markets. S-ONE proposes to offer domestic interstate private line data and voice communications services primarily in New York, New Jersey, Connecticut, Massachusetts, and Pennsylvania. S-ONE is wholly owned by Richard A. Simeone. The Applicants confirm that they do not have any affiliates as that term is defined in section 3(1) of the Communications Act of 1934, as amended.<sup>4</sup>

The Applicants assert that granting this application is in the public interest because it would promote competition among telecommunications carriers. The applicants state that approval of the proposed asset transfer will enable S-ONE to concentrate its resources and expertise on providing domestic interstate private line services tailored to meet the communications services needs of commercial trading and brokerage customers in various markets. According to the Applicants, these enhancements will inure directly to the benefit of affected customers of Eureka and as well as indirectly to consumers generally in the telecommunications marketplace. Applicants assert that the proposed transfer will be virtually transparent to the customers in terms of the rates, terms and conditions of service that these customers currently receive. Furthermore, the Applicants state that, following the proposed transfer, the customers will continue to receive services that will be supported by S-ONE's experienced and well-qualified management team and will be consistent with the quality of services currently provided by Eureka.

### **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 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 on or before November 5, 2004** and **reply comments on or before November 12, 2004.**<sup>5</sup> Unless otherwise notified by the Commission, Applicants are permitted to transfer

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<sup>4</sup> See Letter from Troy F. Tanner, Counsel, Gillette Global Network, Inc. d/b/a Eureka Networks, to Marlene H. Dortch., Secretary, Federal Communications Commission, WC Docket No. 04-395, at 1 (filed Oct. 22, 2004).

<sup>5</sup> See 47 C.F.R. § 63.03(a).

control on the 31<sup>st</sup> day after the date of this notice.<sup>6</sup> 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 e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the subject line "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 appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. 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, Natek, 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:**

the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: [www.bcpjweb.com](http://www.bcpjweb.com); phone: 202-488-5300 fax: 202-488-5563;

- (1) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- (2) Kimberly Jackson, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup>

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<sup>6</sup> Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Street, S.W., Room , Washington, D.C. 20554; e-mail: [kimberly.jackson@fcc.gov](mailto:kimberly.jackson@fcc.gov);

(3) Terri Natoli, Competition Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-A322, Washington, D.C. 20554; e-mail: [terri.natoli@fcc.gov](mailto:terri.natoli@fcc.gov);

(4) James Bird, Office of General Counsel, 445 12<sup>th</sup> Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: [james.bird@fcc.gov](mailto:james.bird@fcc.gov).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone: 202-488-5300, fax: 202-488-5563, or via e-mail [www.bcpiweb.com](http://www.bcpiweb.com).

For further information, please contact Tracey Wilson-Parker, at (202) 418-1394, or Kimberly Jackson at (202) 418-7393.

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