



PUBLIC NOTICE

Federal Communications Commission
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DA 05-189

Released: January 26, 2005

DOMESTIC SECTION 214 APPLICATION FILED FOR ACQUISITION OF ASSETS OF WORKING ASSETS FUNDING SERVICES, INC. BY TRINSIC COMMUNICATIONS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 05-22

Comments Due: February 11, 2005
Reply Comments Due: February 18, 2005

On January 11, 2005, Trinsic Communications, Inc. f/k/a Z-Tel Communications, Inc. ("Trinsic" or "Transferee") and Working Assets Funding Services, Inc. ("WAFS" or "Transferor") (together "Applicants"), filed an application pursuant to sections 63.03 and 63.04 of the Commission's rules¹ requesting approval for Trinsic to acquire the local exchange customer base of WAFS.

The Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(i) of the Commission's rules² because immediately following the transactions: (1) Applicants and their affiliates combined will hold less than a ten percent (10%) share of the interstate, interexchange market; (2) to the extent that the Applicants or their affiliates provide U.S. local exchange services or exchange access services, those services are provided only in geographic areas served by a dominant local exchange carrier that is not a party to the proposed transaction; and (3) none of the Applicants or their affiliates is dominant with respect to any U.S. domestic telecommunications service.

Trinsic is a Florida-based local exchange and long distance carrier, incorporated under Delaware law. Trinsic is registered, licensed or otherwise authorized to provide local exchange and long distance services nationwide. The ten percent or greater owners of Trinsic are Michael

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

² 47 CFR § 63.03(b)(2)(i).

Long and Larry Tucker, both U.S. citizens. WAFS is a local exchange and long distance carrier, incorporated under California law. WAFS is registered, licensed or otherwise authorized to provide local services in eleven states and long distance services in 49 states.

The Applicants have entered into an Asset Purchase Agreement under which Trinsic will acquire WAFS' entire local customer base. As a result of the proposed transaction, Trinsic will become the local exchange provider of the transferred customer base and WAFS will cease providing local exchange services. WAFS will continue to provide long distance service to these customers at the same rates, terms and conditions.

The Applicants assert that the proposed transaction serves the public interest by ensuring no interruption of service or inconvenience to the affected customers. The Applicants emphasize that the affected customers will receive the same local services rates backed by the support services of Trinsic, a growing and highly competitive carrier. The Applicants state that because Trinsic will provide local exchange service to WAFS' customers at the same rates, terms and conditions of service as they currently receive from WAFS, the proposed transaction will be seamless and virtually transparent to WAFS' local customers in terms of the service they receive. Moreover, the Applicants state they have provided written notice of the proposed transaction to ensure that WAFS customers will understand how the proposed change in service providers will affect them. Moreover, Trinsic indicates it has complied with the notice and certification requirements of section 64.1120(e) of the rules. Finally, the Applicants state that WAFS' customers will not incur any charges as a result of the change in local service provider from WAFS to Trinsic.

GENERAL INFORMATION

The acquisition 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 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 February 11, 2005**, and **reply comments on or before February 18, 2005**.³ Unless otherwise notified by the Commission, Applicants are permitted to transfer control on the 31st day after the date of this notice.⁴ 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

³ See 47 C.F.R. § 63.03(a).

⁴ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

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, 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:

- (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: www.bcpweb.com; phone: 202-488-5300 fax: 202-488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: tracey.wilson-parker@fcc.gov;
- (3) Kimberly Jackson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5C-142, Washington, D.C. 20554; e-mail: kimberly.jackson@fcc.gov;
- (4) Terri Natoli, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C234, Washington, D.C. 20554; e-mail: terri.natoli@fcc.gov;
- (5) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: 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.

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

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