

WC 06-133

"Return copy"

**NOWALSKY, BRONSTON & GOTHARD**  
A Professional Limited Liability Company

Leon L. Nowalsky  
Benjamin W. Bronston  
Edward P. Gothard

*Attorneys at Law*  
3500 North Causeway Boulevard  
Suite 1442  
Metairie, Louisiana 70002  
Telephone: (504) 832-1984  
Facsimile: (504) 831-0892

Monica Borne Haab  
Philip R. Adams, Jr.  

---

Of Counsel  
Bruce C. Betzer

June 27, 2006

**BY OVERNIGHT DELIVERY**

FCC/MELLON

JUL 05 2006

Federal Communications Commission  
Common Carrier Bureau  
9300 E. Hampton Drive  
Capitol Heights, MD 20743

FCC c/o Mellon Bank  
500 Ross Street, 6th Floor  
Pittsburgh, PA 15251

ATTN: Wholesale Lockbox Shift Supervisor

RE: Combined Application to Transfer Control of the Domestic 214 of Lanyap Graham Internet Technology, Inc. and Benchmark Communications, LLC.  
(Separate application has been filed with the International Bureau)

Dear Sir or Madam:

Enclosed please find the following documents submitted on behalf of Lanyap Graham Internet Technology, Inc. and Benchmark Communications, LLC.

1. The original and four (4) copies of the Combined International and Domestic Application for transfer of Control of the 214 from Lanyap Graham Internet Technology, Inc. to Benchmark Communications, LLC.
2. The original and four (4) copies of FCC Form 159 including our AMEX authorization for the \$895.00 filing fee.

Should you have any questions or require additional information, please do not hesitate to contact me.

I would appreciate if you would return a copy of this letter, date-stamped, in the envelope provided.

Sincerely,

*Benjamin W. Bronston*  
Benjamin W. Bronston

Enclosures

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of

LANYAP GRAHAM INTERNET TECHNOLOGY, INC.,  
Transferor

and

BENCHMARK COMMUNICATIONS, LLC,  
Transferee

File No. ITC/T/C-2006 \_\_\_\_\_

Application Pursuant to Section 214 of the  
Communications Act of 1934 and  
Section 63.24 of the Commission's Rules for  
Consent to the Transfer of Assets/Control of  
Lanyap Graham Internet Technology, Inc.  
to Benchmark Communications, LLC

and

WC Docket No. 06-\_\_\_\_\_

Application Pursuant to Section 214 of the  
Communications Act of 1934 and  
Section 63.04 of the Commission's Rules for  
Consent to the Transfer of Assets/Control of  
Lanyap Graham Internet Technology, Inc.  
to Benchmark Communications, LLC

*Attention: International Bureau and Wireline Competition Bureau*

**JOINT INTERNATIONAL AND DOMESTIC APPLICATION  
FOR TRANSFER OF CONTROL**

Pursuant to section 214 of the Communications Act of 1934, as amended (the "Act"), and sections 63.04 and 63.24 of the Commission's rules, this Application seeks Commission approval to transfer control of Lanyap Graham Internet Technology, Inc. ("LANYAP") to Benchmark Communications, LLC ("BENCHMARK") (together referred to as "Applicants").

LANYAP and BENCHMARK hold authority to provide domestic and international telecommunications services pursuant to section 214 of the Act.<sup>1</sup>

On March 31, 2006, LANYAP and BENCHMARK entered into an Asset Purchase Agreement whereby BENCHMARK will purchase certain of the telecommunications assets of LANYAP, including but not limited to certain of LANYAP's customer accounts (the "Acquisition"). The acquisition will not result in any change in ownership of LANYAP, but only affects certain of LANYAP's long distance telecommunications accounts. This Application seeks Commission approval of BENCHMARK's purchase of these assets from LANYAP.

LANYAP and BENCHMARK are providers of interexchange and local telecommunications services. The proposed transaction will serve the public interest, convenience and necessity. The acquisition will create operating efficiencies which will serve to enhance the overall capacity of BENCHMARK to compete in the marketplace and to provide telecommunications services for a greater number of consumers at competitive rates. The customers of LANYAP will benefit from the resources and assets of BENCHMARK, which will help ensure continuity of service and enhance the ability of BENCHMARK to offer a broader range of innovative products and services to customers. The proposed transaction, therefore, will strengthen the ability of BENCHMARK to offer services in competition with other providers. Granting this Application clearly will promote competition in the interexchange and international telecommunications markets and will serve the public interest.

---

<sup>1</sup>

LANYAP holds domestic and international authority pursuant to section 214 of the Act. Authority was granted on 8/23/01 in File No. ITC-214-20010727-00400.

BENCHMARK holds domestic and international authority pursuant to section 214 of the Act. Authority was granted on 10/22/04 in File No. ITC-214-20041005-00393.

- d) LANYAP holds domestic and international authority pursuant to section 214 of the Act. Authority was granted in File No. ITC-214-20010727-00400.

BENCHMARK holds domestic and international authority pursuant to section 214 of the Act. Authority was granted in File No. ITC-214-20041005-00393.

Responses (e) through (g) are not applicable to this Application.

- (h) The following are the names, addresses, citizenship, and principal businesses of any person or entity that will directly or indirectly own at least ten percent of the equity of the applicants. There will be no interlocking directorates with any foreign carrier.

Benchmark Communications, LLC

Mark Guidry

Address: 4001 Division Street, Metairie, LA, 70002

Citizenship: United States

Principal Business: Investor

Relationship: Member/CEO

Percent Ownership: 25%

Benjamin W. Bronston

Address: 2400 August Drive, Suite 255, Houston, TX 77057

Citizenship: United States

Principal Business: Attorney

Relationship: Member

Percent Ownership: 25%

Jason Veasey

Address: 578 Azalea Road, Suite 122, Mobile, AL 36609

Citizenship: United States

Principal Business: Telecom equipment distributor

Relationship: Member

Percent Ownership: 25%

Warren Gottsegen

Address: 625 St. Charles Avenue, #8B, New Orleans, LA, 70130

Citizenship: United States

Principal Business: Investor

Relationship: Member

Percent Ownership: 25%

## **I. INFORMATION REQUIRED BY SECTION 63.24**

This Application seeks authority to transfer certain assets of LANYAP, which holds authority pursuant to section 214 of the Act to provide domestic interstate and international telecommunications service, to BENCHMARK which also holds authority pursuant to section 214 of the Act to provide domestic interstate and international telecommunications service. Section 63.24(e)(2) of the Commission's rules requires that an application for a substantial transfer of control of a carrier holding international section 214 authority include the following information, as described in section 63.18:

- (a) The name, address and contact number of the transferor is:

Lanyap Graham Internet Technology, Inc.  
ATTN: Warren Gottsegen  
625 St. Charles Avenue, #8B  
New Orleans, LA, 70130  
wgottsegen@mindspring.com

The name, address and contact number of the transferee is:

Benchmark Communications, LLC  
ATTN: Mark Guidry  
4001 Division Street  
Metairie, LA 70002  
mark@theguidrys.com

- (b) LANYAP is a Louisiana corporation.  
BENCHMARK is a Louisiana limited liability company.
- (c) Correspondence concerning this Application should be addressed to:

Benjamin W. Bronston  
Nowalsky, Bronston & Gothard  
2400 August Drive, Suite 255  
Houston, TX 77057  
Phone: (713) 626-1661 ext. 1114  
Email: [bbronston@nbglaw.com](mailto:bbronston@nbglaw.com)

There is no other person or entity which has a 10% or greater interest in BENCHMARK. None of the foregoing persons own a 10% or greater interest in any incumbent or other carrier, except that Jason Veasey and Warren Gottsegen each own 20% of LANYAP as described below.

Lanyap Graham Internet Technology, Inc.

Jason Veasey

Address: 578 Azalea Road, Suite 122, Mobile, AL 36609

Citizenship: United States

Principal Business: Telecom equipment distributor

Relationship: Shareholder

Percent Ownership: 20%

Warren Gottsegen

Address: 625 St. Charles Avenue, #8B, New Orleans, LA, 70130

Citizenship: United States

Principal Business: Investor

Relationship: Shareholder

Percent Ownership: 20%

Woodard Valls

Address: 7258 Ring Street, New Orleans, LA, 70124

Citizenship: United States

Principal Business: Telecom equipment distributor

Relationship: Shareholder

Percent Ownership: 20%

Randall Stuart

Address: 1836 Orpheum Ave - Metairie, LA 70005

Citizenship: United States

Principal Business: Investor

Relationship: Shareholder

Percent Ownership: 20%

D'Juan Hernandez

Address: 1836 Orpheum Ave - Metairie, LA 70005

Citizenship: United States

Principal Business: Investor

Relationship: Shareholder

Percent Ownership: 20%

There is no other person or entity which has a 10% or greater interest in

LANYAP.

- (i) Applicants certify that they are not, and following the proposed transaction will not be, affiliated with any foreign carrier within the meaning of section 63.09(d) and (e).
- (j) The Applicants certify that they do not seek authority to provide service to any country described in paragraphs (1) through (4) of section 63.18(j).
- (k) Not applicable.
- (l) Not applicable.
- (m) Not applicable.
- (n) Applicants certify that they have not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses market power on the foreign end of the route and will not enter into such agreements in the future.
- (o) Applicants certify that no party to the Application is subject to a denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) This international section 214 Application qualifies for streamlined processing pursuant to section 63.12 because the applicants are not affiliated with any foreign carriers; are not affiliated with any dominant U.S. carriers whose international switched or private line services the applicant seeks authority to resell; and do not seek authority to provide switched basic services over private lines to a country for which the Commission has not previously authorized the provision of switched services over private lines. This Application therefore should be granted, pursuant to section 63.12(a), fourteen days after the date of public notice listing this Application as accepted for filing.

## **II ADDITIONAL INFORMATION REQUIRED BY SECTION 63.04**

This Application seeks Commission consent to transfer assets/control of LANYAP, which holds authority to provide domestic and international telecommunications services pursuant to section 214 of the Act. Pursuant to section 63.04(b) of the Commission's rules, the parties submit the following information in support of this Application in response to items 6 through 12 of section 63.04(a):

- 6) As set forth above, this Application seeks Commission consent to transfer certain telecommunications assets of LANYAP to BENCHMARK. As a result of the transfer, BENCHMARK will continue to operate and provide service pursuant to

its current authority and LANYAP will continue to provide telecommunications services to its remaining customers.

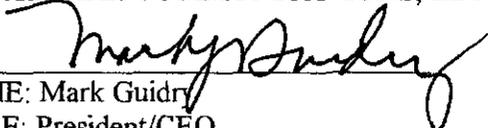
- 7) BENCHMARK is authorized to provide local, intrastate, interstate and international telecommunications services in Louisiana, Mississippi, Alabama and Florida.
- 8) This Application qualifies for streamlined processing under section 63.03(b)(2)(I) because the transferee will have a market share in the interstate interexchange market of less than 10 percent, the transferee will provide competitive telephone exchange services or exchange access services exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the proposed transaction, and no party to this Application is dominant with respect to any service.
- (9) The parties are filing a slamming certification letter with the Commission.
- (10) Only standard streamlined processing of this domestic section 214 transfer of control application is sought pursuant to Section 63.03.
- (11) No waiver requests are being filed in conjunction with the transaction.
- (12) As discussed above, grant of this Application will strengthen BENCHMARK as the post-transaction company will become a stronger competitor in the marketplace for interstate and international telecommunications services. The customers of LANYAP will benefit from the company's improved resources and assets, which will help ensure continuity of service and enhance the ability of BENCHMARK to offer a broader range of innovative products and services to customers. Grant of this Application will promote competition in the interexchange and international telecommunications markets and will serve the public interest.

**III. CONCLUSION**

For the foregoing reasons, this Application respectfully requests that the Commission consent to the transfer of assets of LANYAP to BENCHMARK.

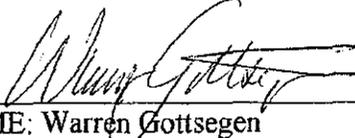
Respectfully submitted,

BENCHMARK COMMUNICATIONS, LLC

BY: 

NAME: Mark Guidry  
TITLE: President/CEO

LANYAP GRAHAM INTERNET  
TECHNOLOGY, INC.

BY: 

NAME: Warren Gottsegen  
TITLE: Shareholder

Dated: June 1, 2006