

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

WC 06-145
Approved by OMB 3060-0589
DATE STAMP & RETURN
Page 1 of 1

(1) LOCK BOX # 358145	FCC/MELLON	JUL 18 2006
---------------------------------	-------------------	--------------------

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) Kelley Drye & Warren LLP		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$895.00
(4) STREET ADDRESS LINE NO. 1 3050 K Street, N.W., Suite 400		
(5) STREET ADDRESS LINE NO. 2		
(6) CITY Washington	(7) STATE DC	(8) ZIP CODE 20007
(9) DAYTIME TELEPHONE NUMBER (include area code) 202-342-8552	(10) COUNTRY CODE (if not in U.S.A.)	

FCC REGISTRATION NUMBER (FRN) REQUIRED

(11) PAYER (FRN) 0013351895

**IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)
COMPLETE SECTION BELOW FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET**

(13) APPLICANT NAME Acceris Management and Acquisition LLC		
(14) STREET ADDRESS LINE NO. 1 9530 Padgett Street, Suite 101		
(15) STREET ADDRESS LINE NO. 2		
(16) CITY San Diego	(17) STATE CA	(18) ZIP CODE 92126
(19) DAYTIME TELEPHONE NUMBER (include area code) 858-547-5700	(20) COUNTRY CODE (if not in U.S.A.)	

FCC REGISTRATION NUMBER (FRN) REQUIRED

(21) APPLICANT (FRN) 0013650817

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID	(24A) PAYMENT TYPE CODE CUT	(25A) QUANTITY
(26A) FEE DUE FOR (PTC) \$895.00	(27A) TOTAL FEE \$895.00	
(28A) FCC CODE 1	(29A) FCC CODE 2	

(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	
(28B) FCC CODE 1	(29B) FCC CODE 2	

SECTION D - CERTIFICATION

CERTIFICATION STATEMENT
I, Melissa Conway, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.

SIGNATURE Melissa Conway DATE 7/18/06

SECTION E - CREDIT CARD PAYMENT INFORMATION

MASTERCARD _____ VISA _____ AMEX _____ DISCOVER _____

ACCOUNT NUMBER _____ EXPIRATION DATE _____

I hereby authorize the FCC to charge my credit card for the service(s)/authorization herein described.

SIGNATURE _____ DATE _____

KELLEY DRYE & WARREN LLP
1200 19TH STREET, N.W.
WASHINGTON, DC 20036

8443

15-122/540
BRANCH 00480

DATE July 17, 2006

PAY
TO THE
ORDER OF Federal Communications Commission

\$ 895.00

Eight Hundred Ninety-Five and xx/100 ----- DOLLARS



First Union National Bank
firstunion.com
Org. 052 R/T 054001220

Terence K. Lambert MP

⑈00008443⑈ ⑆054001220⑆ 2000034690853⑈

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW. IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.
KELLEY DRYE & WARREN LLP

DATE	DESCRIPTION	AMOUNT
7/17/06	FCC filing fee of First Communications/Acceris application. 011766.0001	\$895.00

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

WASHINGTON HARBOUR, SUITE 400

3050 K STREET, NW

WASHINGTON, D.C. 20007-5108

(202) 342-8400

FACSIMILE

(202) 342-8457

www.kelleydrye.com

NEW YORK, NY
TYSONS CORNER, VA
CHICAGO, IL
STAMFORD, CT
PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES
JAKARTA, INDONESIA
MUMBAI, INDIA

DIRECT LINE: (202) 955-9667

EMAIL: msmith@kelleydrye.com

FCC/MELLON

JUL 18 2006

July 18, 2006

DATE STAMP & RETURN

VIA COURIER

Marlene H. Dortch, Secretary
Federal Communications Commission
Wireline Competition Bureau – CPD – 214 Appls.
P.O. Box 358145
Pittsburgh, PA 15251-5145

Re: Application of First Communications, LLC and Acceris Management and Acquisition LLC for a Transfer of Assets Involving Authorized International and Domestic Carriers

Dear Ms. Dortch:

On behalf of First Communications, LLC (“First Communications”) and Acceris Management and Acquisition LLC (“Acceris”) (together, “Applicants”), enclosed please find an original and six (6) copies of the above-referenced Application.

Also enclosed is a completed Fee Remittance Form 159 and a check in the amount of \$895.00 to cover the requisite filing fee required for this Application.

Pursuant to Section 63.04(b) of the Commission’s Rules, Applicants submit this filing as a combined international Section 214 transfer of control application and domestic Section 214 transfer of control application (“Combined Application”). Applicants have filed the Combined Application with the International Bureau through the IBFS filing system.

KELLEY DRYE & WARREN LLP

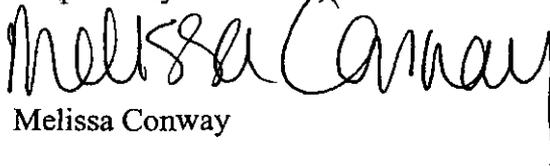
Marlene H. Dortch, Secretary

July 18, 2006

Page Two

Please date-stamp the stamp-and-return copy upon receipt and return it to the courier. Should you have any questions with respect to this filing, please contact Melissa Conway at (202) 342-8552.

Respectfully Submitted,

A handwritten signature in black ink that reads "Melissa Conway". The signature is written in a cursive style with a large, prominent "M" and "C".

Melissa Conway

Enclosures

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
FIRST COMMUNICATIONS, LLC)	WC Docket No. _____
ASSIGNEE,)	
)	
ACCERIS MANAGEMENT AND ACQUISITION LLC,)	IB File No. _____
ASSIGNOR,)	
)	
)	
Application for Consent to Assign)	
Certain Assets of a Company Holding)	
An International Authorization and a Blanket)	
Domestic Authorization Pursuant)	
to Section 214 of the Communications Act)	
of 1934, as Amended)	

APPLICATION

First Communications, LLC (“First Communications”) and Acceris Management and Acquisition LLC (“Acceris”) (First Communications and Acceris, together, are “Applicants”), by their attorneys, hereby request authority pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. §214 (the “Act”), and Sections 63.04 and 63.24(e) of the Commission’s Rules, 47 CFR §§ 63.04, 63.24(e), to assign certain assets of Acceris to First Communications.

Pursuant to the terms of an Asset Purchase Agreement (“Agreement”) dated July 11, 2006 between First Communications and Acceris, First Communications will acquire certain assets of Acceris relating to its large business customer enterprise business (“Business”). Accordingly, the Applicants request that the Commission approve the transfer of these assets, including personal property such as equipment and switches,

customer contracts and working capital (including accounts receivable), to First Communications. The assets being transferred do not include any Section 214 authorizations. The Applicants note that First Communications already holds authority under Section 214 of the Act to provide domestic and international telecommunications services.¹

The proposed transaction is not expected to result in any loss or impairment of service to any of the Acceris customers. Customers will continue to receive their existing services at the same rates and under the same service options. Future changes in the rates, terms and conditions of service will be made consistent with Commission requirements. The only material change will be in the customers' service provider. Notice of the change will be provided to customers in accordance with Section 64.1120 of the Commission's Rules.

Pursuant to Section 63.04(b) of the Commission's Rules, 47 C.F.R. § 63.04(b), the Applicants are filing a combined application for the proposed transfer of assets. The Applicants provide below the information required by Section 63.24(e)(2) of the Commission's Rules, 47 C.F.R. § 63.24(e)(2). Exhibit A provides the additional information requested by Section 63.04(a)(6) through (a)(12) of the Commission's Rules, 47 C.F.R. § 63.04(a)(6)-(12).

The Applicants respectfully request streamlined treatment of this Application pursuant to Sections 63.03 and 63.12 of the Commission's Rules, 47 C.F.R. §§ 63.03 and 63.12. This Application is eligible for streamlined processing pursuant to Section

¹ First Communications received its international Section 214 authority in File No. ITC-ASG-20011001-00509, granted Nov. 2, 2001, in Report No. TEL-00460. First Communications holds blanket authority to provide domestic interstate service pursuant to Section 63.01 of the Commission's Rules.

63.03(b)(2)(i) of the Commission's Rules, 47 C.F.R. § 63.03(b)(2)(i), because (a) after the proposed transaction, First Communications (including its affiliates) will have a market share in the interstate, interexchange market of substantially less than 10 percent, and will provide competitive services exclusively in areas served by a dominant local carrier not a party to the transaction, and (b) First Communications and Acceris (including their affiliates) are not currently dominant with respect to any domestic service, and will not become dominant with respect to any domestic service after consummation of the proposed transaction. This Application also qualifies for streamlined treatment under Section 63.12 because (a) First Communications is not affiliated with a dominant foreign carrier, (b) First Communications will not become affiliated with any foreign carrier as a result of the proposed transaction, and (c) none of the other provisions contained in Section 63.12(c) of the Commission's Rules, 47 C.F.R. § 63.12, apply.

The Applicants respectfully request approval of this Application as soon as possible.

I. APPLICANTS

A. First Communications [FRN 0003764487]

First Communications, LLC is an Ohio limited liability company based in Akron, Ohio. Founded in 1984, First Communications is a common carrier that provides local, private line and long distance services to both business and residential customers in several states in the U.S. Currently, First Communications provides telecommunications services to approximately 100,000 customers, located primarily in Ohio, Michigan, Indiana, Illinois, Pennsylvania and Florida. First Communications' services include, in addition to traditional local and long distance services, toll-free services, conference

calling packages, calling cards, prepaid calling cards, Internet access, and dedicated and private line services. First Communications' telecommunications services are provided primarily on a resale basis using facilities and switches that are owned and operated by other telecommunications carriers.

Currently, First Communications is authorized to provide intrastate long distance telecommunications services in California, Florida and Kentucky. First Communications is authorized to provide intrastate long distance and competitive local exchange telecommunications services in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, Pennsylvania and Wisconsin. In connection with the proposed transfer of assets, First Communications will obtain the state telecommunications authorizations necessary to provide service to customers it is acquiring from Acceris. As noted above, First Communications currently is authorized by the Commission to provide domestic interstate and international telecommunications services and will offer service to the Acceris customers pursuant to these existing authorizations.

B. Acceris [FRN 0013650817]

Acceris Management and Acquisition LLC, a Minnesota limited liability company also conducting business as Acceris Communications or WorldxChange, is headquartered at 9530 Padgett Street, Suite 101, San Diego, CA 92126 (858) 547-5700. Acceris is a direct, wholly-owned subsidiary of North Central Equity LLC ("North Central"), a privately-held Minnesota holding company established in 2004, whose executives have many years of experience in the telecommunications industry. The following entity holds a 10% or greater equity interest in North Central. No other entity holds a 10% or greater equity interest in North Central under the Commission's attribution rules.

Mr. Elam Baer, Chief Executive Officer
North Central Equity LLC
60 South Sixth Street
Minneapolis, Minnesota 55402
Citizenship: U.S.
Principal business: Investment
Percent equity: 52.6%

Acceris is a broad based communications company, serving residential, small and medium-sized business and large enterprise customers throughout the United States. The company provides a range of products from domestic and international long distance voice services to fully managed and integrated data services and enhanced services.

Acceris has one affiliate, New Access Communications LLC ("New Access"), that offers domestic local and long distance telecommunications services. New Access is headquartered at 801 Nicollet Mall, Suite 350, Minneapolis, MN 55402 and commenced operations in 2000. New Access is authorized to provide local service primarily in the Qwest territories and long distance resale services virtually nationwide.²

Currently, Acceris is authorized to provide long distance telecommunications services in the contiguous 48 states, Hawaii and the District of Columbia, except in Alaska. Acceris is authorized to provide long distance and competitive local exchange telecommunications services in Pennsylvania, New York, New Jersey, Florida and Massachusetts. Acceris also is authorized by the Commission to provide domestic

² New Access is authorized to provide long distance resale service in the contiguous 48 states, Hawaii and the District of Columbia, except in Alaska, Connecticut (pending), Delaware (pending), Maryland (pending), New Hampshire (pending), South Carolina (pending), Tennessee and West Virginia (pending). New Access is authorized to provide local service in the following states: Alabama (resale), Arizona (resale), Arkansas, California, Colorado (resale), Florida, Georgia (resale), Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota (resale), Montana, Nebraska, Nevada (resale), North Dakota (resale), Ohio (resale), Oregon (resale), Pennsylvania (resale), South Dakota (resale), Texas (resale), Virginia, Washington, Wisconsin and Wyoming.

interstate and international telecommunications services.³ Pursuant to the Agreement, the assets being acquired by First Communications are only those relating to the Business. After the Closings, Acceris will retain its FCC Section 214 authorizations as well as its state telecommunications authorizations in order to continue to provide telecommunications services apart from the Business being acquired by First Communications.

II. DESCRIPTION OF THE TRANSACTION

First Communications and Acceris have reached an Agreement providing for First Communications' acquisition of certain assets of Acceris relating to the Business, including personal property such as equipment and switches, customer contracts and working capital (including accounts receivable), but not including any FCC or state telecommunications authorizations. After the Closings, First Communications will provide telecommunication services to the Acceris customers directly pursuant to its own Section 214 authorizations.

The proposed transfer of customers to First Communications will have no adverse impact on customers. The Acceris customers will continue to receive their existing services at the same rates, terms and conditions that they have prior to the transfer and any future changes in the rates, terms and conditions of service will be made consistent with Commission requirements. To ensure a seamless transition and avoid customer confusion or inconvenience, First Communications will provide advance written notice to

³ See ITC-ASG-20050701-00260, Application for consent to assign the international section 214 authorization, File No. ITC-214-20011010-00517, held by Acceris Communications Corp. to Acceris Management and Acquisition LLC.

the affected customers at least thirty (30) days prior to the transfer, explaining the change in service provider in accordance with applicable Commission and state requirements for changing a customer's presubscribed carrier. First Communications will file the required notice with the Commission in CC Docket No. 00-257 pursuant to Section 64.1120 of the Commission's Rules, 47 C.F.R. § 64.1120, to comply with the Commission's slamming requirements.

III. PUBLIC INTEREST STATEMENT

The transfer of assets to First Communications will serve the public interest. Acceris has determined that its operations with respect to the Business is no longer consistent with its long term interests. First Communications is a strong company that will continue to provide high quality services to the Acceris customers. First Communications' purchase of the Acceris assets related to the Business will strengthen First Communications, enable it to expand and better ensure that it remains a viable long-term competitor in the telecommunications marketplace.

At the same time, the proposed transfer of assets does not present any anti-competitive issues. The Applicants emphasize that, following the transfer, the former Acceris customers will continue to receive services from an experienced and qualified carrier, which services will be consistent with the quality of services currently provided by Acceris. Acceris primarily resells local and long distance services to residential and business customers and First Communications has extensive experience in providing these services. The Applicants anticipate that customers will experience a seamless transition of service provider. Further, these customers will be sufficiently notified of the transaction and their rights. The contact for customers and Commission inquiries will be:

Mary Cegelski
First Communications LLC
15166 Neo Parkway
Garfield Heights, Ohio 44128
Tel: (216) 468-1614
Email: mcegelski@Firstcomm.com

In addition, Acceris' exit from the Business does not present any competitive concerns. In the geographic markets in which the operations of First Communications and Acceris overlap, the market share of First Communications post-close in the local service market will be less than 5 percent. In the geographic markets in which the operations of First Communications and Acceris do not overlap, First Communications will simply step into the shoes of Acceris with respect to market share. The Applicants note that there are a number of other carriers operating in each market, including the incumbent carrier, which in each market controls a substantial market share.

In sum, grant of this Application will serve the public interest by strengthening the competitive position of First Communications without negative impact to either Acceris customers or competition in the markets in which Acceris operates.

IV. INFORMATION REQUIRED BY SECTION 63.24(e) OF THE COMMISSION'S RULES

The Applicants submit the following information pursuant to Section 63.24(e) of the Commission's Rules, including the information requested in Section 63.18:

(a) Name, address and telephone number of Applicants:

First Communications, LLC (Assignee)
3340 West Market Street
Akron, OH 44333
Tel: (216) 468-1614

Acceris Management and Acquisition LLC (Assignor)
dba Acceris Communications
9530 Padgett Street, Suite 101
San Diego, CA 92126
Tel: (858) 547-5700

- (b) First Communications is a limited liability company organized under the laws of Ohio. Acceris is limited liability company organized under the laws of Minnesota.
- (c) Correspondence concerning this Application should be sent to:

For the Assignee:

Joseph R. Morris
Chief Operating Officer
First Communications, LLC
3340 W. Market Street
Akron, Ohio 44333
Tel: (330) 835-2472
Fax: (330) 835-2655
jmorris@Firstcomm.com

Melissa Conway
Kelley Drye & Warren LLP
3050 K Street NW, Suite 400
Washington, D.C. 20007
Tel: (202) 342-8552
Fax: (202) 342-8451
mconway@kelleydrye.com

For the Assignor:

Drew S. Backstrand, General Counsel
Acceris Management and Acquisition LLC
60 South Sixth Street, Suite 2535
Minneapolis, MN 55402
Tel: (612) 465-0265
Fax: (612) 455-1022

- (d) First Communications has authority to provide international services on a resale basis as granted in File No. ITC-ASG-20011001-00509. Acceris has authority to provide international service on a facilities-based and resale basis. The 214 license held by Acceris Communications Corp., ITC-214-20011010-00517, was transferred to Acceris Management and Acquisition LLC in File No. ITC-ASG-20050701-00260.

(h) The following entities hold a 10 percent or greater equity interest in First Communications:

(1) McKinley:

McKinley Communications, LLC
134 Sixth Street S.W.
Canton, Ohio 44702
Citizenship: U.S.
Principal business: investment
Percent Equity: 51 percent

Marbel Investments, LLC holds an 80 percent ownership interest in and control of McKinley and thus will hold a 51 percent ownership interest in First Communications following consummation of the proposed transaction. Marbel is a U.S. citizen whose address is the same as McKinley and whose principal business is investments. Marbel is owned in equal shares by Marsh Belden, Timothy Belden, Susan Belden, and Katherine Belden. The Beldens are U.S. citizens who principal business is investments and whose address is the same as McKinley. The Beldens govern Marbel by majority rule.

No other shareholder in McKinley holds a 10 percent or greater ownership interest in First Communications under the FCC's ownership attribution rules.

(2) First Energy:

First Energy Corp.
76 S. Main Street
Suite 1600
Akron, Ohio 44308
Citizenship: U.S.
Principal business: energy
Percent Equity: 31.85 percent

No shareholder in First Energy holds a 10 percent or greater ownership interest in First Communications under the FCC's ownership attribution rules.

(3) Boich:

Boich Investment Group, Ltd.
17 S. High Street
Suite 1220
Columbus, Ohio 43215-3413
Citizenship: U.S.
Principal business: coal
Percent Equity: 17.15 percent

Wayne Boich, Sr. holds 100 percent of the ownership interest in Boich and thus a 17.15 percent ownership interest in First Communications under the FCC's ownership attribution rules. Mr. Boich is a U.S. citizen whose principal business is coal and whose address is the same as the Boich Investment Group.

First Communications states that following consummation of the transaction, no officer or director of First Communications will also be an officer or director of any foreign carrier.

- (i) As evidenced by the signatures to this Application, First Communications certifies that (a) First Communications is not a foreign carrier and is not affiliated with a foreign carrier, and (b) First Communications will not become a foreign carrier or become affiliated with a foreign carrier post-close.
- (j) As evidenced by the signatures to this Application, First Communications certifies that, through its acquisition of the assets of Acceris, it does not seek to provide international telecommunications services to any destination country where (a) First Communications is a foreign carrier; (ii) First Communications controls a foreign carrier; (iii) any entity that owns more than 25 percent of First Communications, or that controls First Communications, controls a foreign carrier in that country; or (iv) two or more foreign carriers (or Applicants that control foreign carriers) own, in the aggregate, more than 25 percent of First Communications and are Applicants to, or the beneficiaries of, a contractual relation affecting the provision or marketing of international basic telecommunications services in the United States.
- (k) Not applicable.
- (l) Not applicable.
- (m) Not applicable.
- (n) As evidenced by the signatures to this Application, First Communications certifies that it has 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 that First Communications will not enter into such agreements in the future.
- (o) As evidenced by the signatures to this Application, Applicants certify that, pursuant to Sections 1.2001 through 1.2003 of the Commission's Rules, they are not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) Applicants request streamlined processing of this Application pursuant to Section 63.12 of the Commission's Rules, 47 C.F.R. § 63.12. This Application

qualifies for streamlined treatment under Section 63.12(c) of the Commission's Rules, because (i) First Communications is not affiliated with a dominant foreign carrier; (ii) First Communications will not become affiliated with any foreign carrier as a result of the proposed Transaction; and (iii) none of the other scenarios outlined in Section 63.12(c) of the Commission's Rules, 47 C.F.R. § 63.12, apply.

V. INFORMATION REQUIRED BY SECTION 63.04(b) OF THE COMMISSION'S RULES

In accordance with the requirements of Section 63.04(b) of the Commission's Rules, the additional information required for the domestic Section 214 transfer of control application is provided in **Exhibit A**.

VI. CONCLUSION

Based on the foregoing, the Applicants respectfully submit that the public interest, convenience, and necessity would be furthered by grant of this Application.

Respectfully submitted,

**Acceris Management and Acquisition
LLC**

By: _____
Drew S. Backstrand
General Counsel
Acceris Management and Acquisition LLC
60 South Sixth Street, Suite 2535
Minneapolis, MN 55402
Tel: (612) 465-0265
Fax: (612) 455-1022

First Communications, LLC

By:  _____
Joseph R. Morris
Chief Operating Officer
First Communications, LLC
3340 W. Market Street
Akron, Ohio 44333
Tel: (330) 835-2472
Fax: (330) 835-2655
jmorris@Firstcomm.com

Date: July 17, 2006

VI. CONCLUSION

Based on the foregoing, the Applicants respectfully submit that the public interest, convenience, and necessity would be furthered by grant of this Application.

Respectfully submitted,

**Acceris Management and Acquisition
LLC**

First Communications, LLC

By: *Drew S. Backstrand*
Drew S. Backstrand
General Counsel
Acceris Management and Acquisition LLC
60 South Sixth Street, Suite 2535
Minneapolis, MN 55402
Tel: (612) 465-0265
Fax: (612) 455-1022

By: _____
Joseph R. Morris
Chief Operating Officer
First Communications, LLC
3340 W. Market Street
Akron, Ohio 44333
Tel: (330) 835-2472
Fax: (330) 835-2655
jmorris@Firstcomm.com

Date: July 17, 2006

LIST OF EXHIBITS

EXHIBIT A	Domestic Section 214 Transfer of Control Information
-----------	--

EXHIBIT A

DOMESTIC SECTION 214 TRANSFER OF CONTROL INFORMATION

In accordance with the requirements of Section 63.04(b) of the Commission's Rules, 47 C.F.R. § 63.04, the Applicants provide the following information in support of their request.

63.04(b)(6): Description of the Transaction

The proposed transaction is described in Section II of the Application.

63.04(b)(7): Description of Geographic Service Area and Services in Each Area

A description of the geographic service areas and services provided in each area is provided in Section I of the Application.

63.04(b)(8): Presumption of Non-Dominance and Qualification for Streamlining

This Application is eligible for streamlined processing pursuant to Section 63.03(b)(2)(i) of the Commission's Rules, 47 C.F.R. § 63.03(b)(2)(i). Following the consummation of the proposed transaction, First Communications (including its affiliates) will have market share in the interstate, interexchange market of substantially less than 10 percent, and will provide competitive telephone exchange services or exchange access services exclusively in geographic areas served by a dominant local exchange carrier that is not party to the transaction. Finally, neither First Communications nor Acceris nor any affiliate of either company is dominant with respect to any service it provides.

63.04(b)(9): Other Pending Commission Applications Concerning the Proposed Transaction

None.

63.04(b)(10): Special Considerations

None.

63.04(b)(11): Waiver Requests (If Any)

None.

63.04(b)(12): Public Interest Statement

The proposed transaction is in the public interest for the reasons detailed in Section III of the Application.