

WC 07-14

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

01-18-07 8145810  
A 8:01

001

(1) LOCKBOX#		
<b>SECTION A - PAYER INFORMATION</b>		
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) <b>Leon Nowalsky</b>		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) <b>\$965.00</b>
(4) STREET ADDRESS LINE NO.1 <b>3500 N. Causeway Blvd. #1442</b>		
(5) STREET ADDRESS LINE NO. 2		
(6) CITY <b>Metairie</b>	(7) STATE <b>La</b>	(8) ZIP CODE <b>70002</b>
(9) DAYTIME TELEPHONE NUMBER (include area code) <b>(504) 832-1984</b>		(10) COUNTRY CODE (if not in U.S.A.)
<b>FCC REGISTRATION NUMBER (FRN) REQUIRED</b>		
(11) PAYER (FRN) <b>0005659958</b>		
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 <b>eLEC Communications Corp.</b>		
(14) STREET ADDRESS LINE NO.1 <b>75 South Broadway, Suite 302</b>		
(15) STREET ADDRESS LINE NO. 2		
(16) CITY <b>White Plains</b>	(17) STATE <b>NY</b>	(18) ZIP CODE <b>10601</b>
(19) DAYTIME TELEPHONE NUMBER (include area code) <b>(914) 682-0820</b>		(20) COUNTRY CODE (if not in U.S.A.)
<b>FCC REGISTRATION NUMBER (FRN) REQUIRED</b>		
(21) APPLICANT (FRN) <b>0015950496</b>		
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET		
(23A) CALL SIGN/OTHER ID	(24A) PAYMENT TYPE CODE <b>CUT</b>	(25A) QUANTITY <b>1</b>
(26A) FEE DUE FOR (PTC)	(27A) TOTAL FEE <b>\$965.00</b>	
(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	
<b>SECTION D - CERTIFICATION</b>		
CERTIFICATION STATEMENT I, <u>LEON NOWALSKY</u> , 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 <u>Leon L. Nowalsky</u>		DATE <u>1/10/07</u>

PAID BY CREDIT CARD

JAN 16 2007

RECEIVED  
JAN 17 10 30 AM '07

FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE (CONTINUATION SHEET) Page No. <u>2</u> of <u>2</u>		SPECIAL USE
USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT SECTION BB - ADDITIONAL APPLICANT INFORMATION		
(13) APPLICANT NAME <b>CYBD Acquisition, Inc.</b>		
(14) STREET ADDRESS LINE NO. 1 <b>400 Oser Avenue, Suite 1650</b>		
(15) STREET ADDRESS LINE NO. 2		
(16) CITY <b>Hauppauge</b>	(17) STATE <b>NY</b>	(18) ZIP CODE <b>11788</b>
(19) DAYTIME TELEPHONE NUMBER (include area code) <b>(631) 231-1446</b>	(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED		
(21) APPLICANT (FRN) <b>0015957061</b>		
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET		
(23A) CALL SIGN/OTHER ID	(24A) PAYMENT TYPE CODE	(25A) QUANTITY
(26A) FEE DUE FOR (PTC)	(27A) TOTAL FEE	FCC USE ONLY
(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	FCC USE ONLY
(28B) FCC CODE 1	(29B) FCC CODE 2	
(23C) CALL SIGN/OTHER ID	(24C) PAYMENT TYPE CODE	(25C) QUANTITY
(26C) FEE DUE FOR (PTC)	(27C) TOTAL FEE	FCC USE ONLY
(28C) FCC CODE 1	(29C) FCC CODE 2	
(23D) CALL SIGN/OTHER ID	(24D) PAYMENT TYPE CODE	(25D) QUANTITY
(26D) FEE DUE FOR (PTC)	(27D) TOTAL FEE	FCC USE ONLY
(28D) FCC CODE 1	(29D) FCC CODE 2	
(23E) CALL SIGN/OTHER ID	(24E) PAYMENT TYPE CODE	(25E) QUANTITY
(26E) FEE DUE FOR (PTC)	(27E) TOTAL FEE	FCC USE ONLY
(28E) FCC CODE 1	(29E) FCC CODE 2	
(23F) CALL SIGN/OTHER ID	(24F) PAYMENT TYPE CODE	(25F) QUANTITY
(26F) FEE DUE FOR (PTC)	(27F) TOTAL FEE	FCC USE ONLY
(28F) FCC CODE 1	(29F) FCC CODE 2	

# NOWALSKY, BRONSTON & GOTHARD

A Professional Limited Liability Company

Attorneys at Law

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

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

Monica Borne Haab  
Philip R. Adams, Jr.

January 10, 2007

**BY OVERNIGHT DELIVERY  
AND ELECTRONIC FILING**

Federal Communications Commission  
Wireline Competition  
9300 E. Hampton Drive  
Capitol Heights, MD 20743

FCC c/o Mellon Bank (Via U.S. Mail)  
Wireline Competition Bureau -CPD-214 Appls.  
P.O. Box 358145  
Pittsburgh, PA 15251-5145  
ATTN: Wholesale Lockbox Shift Supervisor

RE: Combined application for consent to the transfer of control of a business which has Blanket Domestic Interstate 214 Authority - Transfer of New Rochelle Telephone Corp. from eLEC Communications Corp., Transferor to CYBD Acquisition, Inc.

Dear Sir or Madam:

Enclosed please find the following documents submitted on behalf of New Rochelle Telephone, Inc.

1. The original and four (4) copies of an Application for consent to the transfer of control of a business which has blanket domestic interstate 214 authority.
2. The original and four (4) copies of FCC Form 159.
3. Our AMEX number authorizing a charge in the amount of \$965.00 representing the filing fee for this Application.

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,

*Leon Nowalsky*  
Leon Nowalsky

Enclosures

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

In the Matter of

eLEC Communications Corp., Transferor  
and  
CYBD Acquisition, Inc., Transferee

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  
New Rochelle Telephone Corp.  
from  
eLEC Communications Corp., Transferor  
to  
CYBD Acquisition, Inc., Transferee

File No. ITC/T/C-

and

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  
of  
New Rochelle Telephone Corp.  
from  
eLEC Communications Corp., Transferor  
to  
CYBD Acquisition, Inc., Transferee

WC Docket No.

*Attention: International Bureau and Wireline Competition Bureau*

**COMBINED/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 New Rochelle Telephone Corp. ("NRTC") from eLEC

Communications Corp. ("ELEC") to Cyber Digital, Inc. ("CYD"), through its wholly-owned subsidiary, CYBD Acquisition, Inc. ("CYBDA") (collectively referred to as "Applicants"). NRTC holds authority to provide domestic and international telecommunications services pursuant to section 214 of the Act.<sup>1</sup> The Agreement provides that CYBDA will purchase all of the issued and outstanding common stock of NRTC from ELEC (the "Acquisition"). The Acquisition will therefore result in the change of ownership of NRTC from ELEC to CYBDA, including control of NRTC's section 214 authorities.

NRTC is a provider of interstate, international and intrastate interexchange and local telecommunications services. The customers of NRTC will benefit from the resources and assets of CYBDA, which will help ensure continuity of service and enhance the ability of NRTC to offer a broader range of innovative products and services to customers. The Acquisition will therefore serve to enhance the overall capacity of NRTC to compete in the marketplace and to provide telecommunications services for a greater number of consumers at competitive rates. Grant of this Application clearly will promote competition in the interstate and international long distance telecommunications markets and will serve the public interest.

**I. INFORMATION REQUIRED BY SECTION 63.24**

This Application seeks authority to transfer the control of the common stock of NRTC, which holds authority pursuant to section 214 of the Act to provide domestic interstate and international telecommunications service, from ELEC to CYBDA. Section 63.24(e)(2) of the

---

<sup>1</sup> NRTC holds domestic and international authority pursuant to section 214 of the Act. Authority was granted in File No. ITC-214-20030205-00048.

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:

eLEC Communications Corp.  
75 South Broadway, Suite 302  
White Plains, NY 10601  
Telephone: (914) 682-0214  
Fax: (914) 682-0820

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

CYBD Acquisition, Inc.  
400 Oser Avenue, Suite 1650  
Hauppauge, NY 11788  
Telephone: (631) 231-1200  
Fax: (631) 231-1446

The name, address and contact number of the holder of section 214 authorities is:

New Rochelle Telephone Corp.  
543 Main Street  
New Rochelle, NY 10801-7214  
Telephone: (800) 808-4999

- (b) eLEC Communications Corp. and New Rochelle Telephone Corp. are New York corporations.  
Cyber Digital, Inc. and CYBD Acquisition, Inc. are New York corporations.
- (c) Correspondence concerning this Application should be addressed to:

Leon Nowalsky  
Nowalsky, Bronston & Gothard  
3500 N. Causeway Blvd., Suite 1442  
Metairie, LA 70002  
Phone: (504) 832-1984  
Fax: (504) 831-0892  
Email: [lnowalsky@nbglaw.com](mailto:lnowalsky@nbglaw.com)

- d) NRTC was granted authority in File No. ITC-214-20030205-00048

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.

**eLEC Communications Corp., a New York corporation**

Address: 75 South Broadway, Suite 302, White Plains, NY 10601

Principal Business: Telecommunications

Percent Ownership: The Company is publically held, and no shareholder owns a 10% or greater share of the equity or controlling interest in the Company.

**New Rochelle Telephone Corp., a New York corporation**

Address: 543 Main Street, New Rochelle, NY 10801-7214

Principal Business: Telecommunications

Percent Ownership: ELEC owns 100% of the common stock of NRTC.

**Cyber Digital, Inc., a New York corporation**

Address: 400 Oser Avenue, Suite 1650, Hauppauge, NY 11788

Principal Business: Voice and Internet Systems

Percent Ownership:

Ownership

Name: Jawahar C. Chatpar 45.7%  
Address: 400 Oser Avenue, Suite 1650, Hauppauge, NY 11788  
Citizenship: United States

Name: Prem Chatpar 11.6%  
Address: Old Country Road, Plainview, NY  
Citizenship: United States

No other individual nor company owns a 10% or greater share of equity or controlling interest in the above company.

**CYBD Acquisition, Inc., a New York corporation**

Address: 400 Oser Avenue, Suite 1650, Hauppauge, NY 11788

Citizenship: United States

Principal Business: Telecommunications

Percent Ownership: CYBDA is 100% owned by Cyber Digital, Inc.

- (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 control of NRTC, 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 control of NRTC from ELEC to CYBDA. As a result of the transfer, NRTC will continue to operate and provide service pursuant to its current authority.
- 7) [intentionally omitted]

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 will file a slamming certification letter with the Commission, if necessary.

(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 NRTC as the post-transaction company will become a stronger competitor in the marketplace for interstate and international telecommunications services. The customers of NRTC will benefit from the CYBDA's resources and assets, which will help ensure continuity of service and enhance the ability of Advantage to offer a broader range of innovative products and services to customers. Grant of this Application will promote competition in the domestic 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 control of NRT from ELEC to CYBDA

Respectfully submitted,

*Leon Nowalsky*

Leon Nowalsky *LN*  
Nowalsky, Bronston & Gothard  
A Professional Limited Liability Company  
3500 N. Causeway Blvd. Suite 1442  
Metairie, Louisiana 70002  
Telephone: (504) 832-1984  
Counsel for eLEC Communications Corp.,  
New Rochelle Telephone Corp., Cyber  
Digital, Inc. and CYBD Acquisition, Inc.

STATE OF New York  
COUNTY OF Westchester

VERIFICATION

I, Paul H. Riss, am the President of New Rochelle Telephone Corp., and am authorized to make this verification on its behalf. The statements made in the foregoing Application are true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters I believe them to be true.

By: Paul H. Riss  
Name: Paul H. Riss  
Title: President

Sworn to and subscribed before me, Notary Public, in and for the State and County named above, this 1<sup>st</sup> day of January, 2007

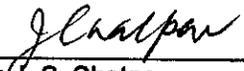
Lawrence R. Gallo, Jr.  
Notary Public  
LAWRENCE R. GALLO, JR.  
Notary Public in the State of New York  
No. 60-1365200  
Residing in Rockland Co. at time of Appoint.  
My Commission Expires ~~March 30, 2007~~  
July 31, 2007

STATE OF NEW YORK

COUNTY OF SUFFOLK

VERIFICATION

I, J.C. Chatpar, am the President of CYBD Acquisition, Inc., and am authorized to make this verification on its behalf. The statements made in the foregoing Application are true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters I believe them to be true.

By:   
Name: J.C. Chatpar  
Title: President

Sworn to and subscribed before me, Notary Public, in and for the State and County named above, this 3 day of January, 2007

  
Notary Public

My commission expires: 6/23/2010

VERNON L. SLAVEN  
Notary Public, State of New York  
No. 4862895  
Qualified in Suffolk County  
Term Expires June 23, 2010