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November 21, 2008

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Notice of Ex-Parte Presentation - WC Docket 08-92
Application of True LD, LLC and STi Prepaid, LLC for Consent to Transfer
Control of Assets pursuant to Section 214 of the Communications Act of
1934, as Amended**

Dear Secretary Dortch:

On November 20, 2008, the undersigned, on behalf of STi Prepaid, LLC (“STi Prepaid”), met with Julie Veach, Alexander Minard, and Matthew Warner of the Wireline Competition Bureau. The participants discussed the pending transaction between STi Prepaid and True LD, LLC (“True LD”), and specifically the request made by APCC Services, Inc. (“APCC”) to condition or deny approval of the transaction.

The proposed transaction furthers the public interest, convenience, and necessity.¹ STi Prepaid is a major prepaid card provider offering state-of-the-art services to its customers. Upon approval of the transaction, consumers currently utilizing True LD prepaid cards will be able to enjoy the high quality and array of features that STi Prepaid’s own customers now enjoy.

STi Prepaid explained that any potential billing dispute between True LD and APCC is not relevant to the determination of whether the pending transaction serves the public interest, convenience, and necessity, because the transaction approval process cannot be used to address pending complaints or issues that have not yet been adjudicated.² The Bureau has made similar

¹ 47 U.S.C. § 214(a).

² See, e.g., *Application of General Electric Co.*, 3 FCC Rcd 2803 (1988) (“It would be premature for us to deny the proposed transfer of control or impose conditions merely on the basis of pleadings raising issues that have not yet been adjudicated.”); *Bell Atlantic Mobile Systems, Inc. and NYNEX Mobile Communications Company Application for Transfer of Control of Eighty-two Cellular Radio Licenses to Cellco Partnership*, 10 FCC Rcd 13368 (1995) (“the proper forum for specific complaints against common carriers is a Section 208 complaint proceeding, not a license assignment/transfer of control proceeding”), *aff’d* 12 FCC Rcd 22280 (1997).

determinations in other proceedings with nearly the same facts as those presented here.³ Further, STi Prepaid noted that approval of the transaction will not change the ability of the Commission or the Bureau to reach True LD for any alleged violations.⁴ Consummation of the transaction will have no effect on the continued existence of True LD as an ongoing business entity given that STi Prepaid is only purchasing certain assets of True LD and not the company itself.

Accordingly, APCC's filings have no bearing on whether the transaction serves the public interest, convenience, and necessity.⁵ The Bureau should therefore expeditiously grant the pending Joint Application and address any issues APCC may have with True LD in the appropriate forum separate from this proceeding.

Please contact the undersigned if you have any questions concerning this filing.

Respectfully submitted,



Chérie R. Kiser

Counsel for STi Prepaid, LLC

cc: Julie Veach, Deputy Bureau Chief, Wireline Competition Bureau (via electronic mail)
Alexander Minard, Wireline Competition Bureau (via electronic mail)
Matthew Warner, Wireline Competition Bureau (via electronic mail)
Jodie May, Wireline Competition Bureau (via electronic mail)

³ *UCN, Inc., Transferee, Transtel Communications, Inc., Tel America of Salt Lake City, Inc., Extelcom, Inc., Transferors*, 20 FCC Rcd 16711, ¶ 9 (2005) (“*UCN/Tel America*”).

⁴ *UCN/TelAmerica* ¶ 9. The Communications Act of 1934, as amended (“Act”), expressly grants the Commission jurisdiction to address complaints for alleged violations of the Act by common carriers, and allows carriers to recover their lawful charges within two years from the time the cause of action accrues. *See* 47 U.S.C. §§ 206-208, 415.

⁵ *SBC Communications Inc. v. FCC*, 56 F.3d 1484, 1492-93 (D.C. Cir. 1995) (finding that the Commission acted reasonably in refusing to make the interests of telecommunications carriers dominant in its public interest analysis in determining whether to approve a transfer).