



# PUBLIC NOTICE

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## DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF UNITY BUSINESS NETWORKS L.L.C. BY TELEPSHERE NETWORKS LTD.

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 09-150

Comments Due: September 8, 2009  
Reply Comments Due: September 15, 2009

On August 14, 2009, Telesphere Networks Ltd. (Telesphere) and Unity Business Networks L.L.C. (Unity BN) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules<sup>1</sup> to assign Unity BN's domestic interstate common carrier transmission lines to Telesphere.

Unity BN, an Arizona limited liability company, is authorized as a competitive local exchange carrier (LEC) in Colorado and Minnesota and also provides interstate Voice over Internet Protocol and data services in Colorado, Minnesota, and Oregon. Telesphere, a Washington state corporation, provides interstate services throughout the U.S. Applicants state that the following entities and individual directly or indirectly own at least 10 percent of the equity of Telesphere: Rally Capital (62.3 percent), John Chapple (11.5 percent), and GC Investments LLC (20.3 percent). Teledesic LLC owns or controls 100 percent of Rally Capital, Teledesic Corporation owns or controls 99 percent of Teledesic LLC, Mente LLC owns or controls 88 percent of Teledesic Corporation, and William H. Gates owns or controls the sole membership interest in Mente LLC. All of these entities are U.S.-based and the individuals are U.S. citizens. Applicants state that no other entity holds a 10 percent or greater direct or indirect interest in Telesphere or in any other telecommunications provider. Pursuant to the terms of the proposed transaction, Telesphere Access, LLC, an Arizona limited liability company and wholly owned subsidiary of Telesphere, will acquire Unity BN's competitive LEC assets. Telesphere will acquire substantially all of Unity BN's other assets, including any domestic section 214 authority. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.<sup>2</sup>

<sup>1</sup> 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed a supplement to their domestic section 214 application on August 19, 2009.

<sup>2</sup> 47 C.F.R. § 63.03(b)(2)(i).

## **GENERAL INFORMATION**

The transfer 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 transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before September 8, 2009**, and reply comments **on or before September 15, 2009**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31<sup>st</sup> day after the date of this notice.<sup>3</sup> Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's e-Rulemaking Portal. See 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal e-Rulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers 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, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

**In addition, e-mail one copy of each pleading to each of the following:**

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, [jodie.may@fcc.gov](mailto:jodie.may@fcc.gov);
- 4) David Krech, Policy Division, International Bureau, [david.krech@fcc.gov](mailto:david.krech@fcc.gov); and
- 5) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov).

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: (202) 488-5300; fax: (202) 488-5563; e-mail: [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); url: [www.bcpiweb.com](http://www.bcpiweb.com).

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<sup>3</sup> Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

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For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Jodie May at (202) 418-0913

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