

Received & Inspected 100329909182400

US BANK/FCC MAR 29 2010

MAR 23 2010

WR 10-84

DO NOT FILE COPY ORIGINAL  
READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE  
FORM 159

FCC Mail Room

Approved by OMB  
3060-0589  
Page No. 1 of 2

(1) LOCKBOX # 979091	
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SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) <b>Broad River, Inc</b>		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) <b>\$1,015.00</b>
(4) STREET ADDRESS LINE NO. 1 <b>1000 Hemphill Ave</b>		
(5) STREET ADDRESS LINE NO. 2		
(6) CITY <b>Atlanta</b>	(7) STATE <b>GA</b>	(8) ZIP CODE <b>30318</b>
(9) DAYTIME TELEPHONE NUMBER (include area code) <b>(404) 961-1038</b>	(10) COUNTRY CODE (if not in U.S.A.)	

FCC REGISTRATION NUMBER (FRN) REQUIRED

(11) PAYER (FRN) <b>0019653930</b>	
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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>Nevada Utilities Company d/b/a "Nevada Telephone" and "Excella Communications"</b>		
(14) STREET ADDRESS LINE NO. 1 <b>1700 South Main Street</b>		
(15) STREET ADDRESS LINE NO. 2		
(16) CITY <b>Las Vegas</b>	(17) STATE <b>NV</b>	(18) ZIP CODE <b>89104</b>
(19) DAYTIME TELEPHONE NUMBER (include area code) <b>(702) 888-1018</b>	(20) COUNTRY CODE (if not in U.S.A.)	

FCC REGISTRATION NUMBER (FRN) REQUIRED

(21) APPLICANT (FRN) <b>0007268311</b>	
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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) <b>\$1,015.00</b>	(27A) TOTAL FEE <b>\$1,015.00</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	

SECTION D - CERTIFICATION

**PAID BY CREDIT CARD**  
**PAID BY CREDIT CARD**

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE (CONTINUATION SHEET)  
FORM 159-C

Page No 2 of 2

USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT  
SECTION BB - ADDITIONAL APPLICANT INFORMATION

(13) APPLICANT NAME <b>Broad River, Inc</b>		SPECIAL USE	
(14) STREET ADDRESS LINE NO. 1 <b>1000 Hemphill Ave</b>		FCC USE ONLY	
(15) STREET ADDRESS LINE NO. 2			
(16) CITY <b>Atlanta</b>	(17) STATE <b>GA</b>	(18) ZIP CODE <b>30318</b>	
(19) DAYTIME TELEPHONE NUMBER (include area code) <b>(404) 961-1038</b>		(20) COUNTRY CODE (if not in U.S.A.)	
<b>FCC REGISTRATION NUMBER (FRN) REQUIRED</b>			
(21) APPLICANT (FRN) <b>0019653930</b>		FCC USE ONLY	
<b>COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET</b>			
(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	

FEDERAL COMMUNICATIONS COMMISSION  
U.S. BANK APPLICATION RETURN FORM

Date: 3.26.10

Client Service Center  
U.S. Bank  
Rm. SL-MO-C3-GL  
St. Louis, MO 63101

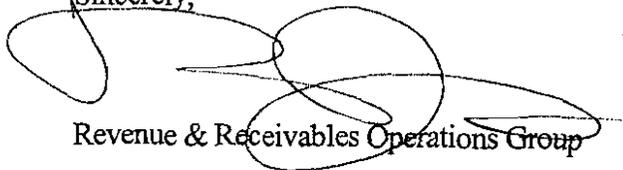
Re: Broad River, Inc.

The enclosed application(s) can be processed as filed. Please refer to the following instructions:

- Use original date stamped, and stamp all receipt copies with the same date.
- Restamp application(s) and all other documents processing.
- Application was sent to the wrong location, and is being forwarded for processing
- Process application(s) in Lockbox GROSS.
- Process filing using Payment Type Code \_\_\_\_\_.
- Process as overpayment.

Please contact the Revenue and Receivables Operations Group at (202) 418-1995, if you have any questions.

Sincerely,



Revenue & Receivables Operations Group

Enclosure

Form 159  
Credit card # 2029 \$1,015.00

White - Bank

Yellow - Federal Communications Commission



## **THE MALDONADO LAW GROUP**

ATTORNEYS & COUNSELORS AT LAW

7925 NW 12<sup>th</sup> Street, Suite 300, Doral FL 33126

Tel: (305) 477-7580 Fax: (305) 477-7504

[www.maldonado-group.com](http://www.maldonado-group.com)

Received & Inspected

**MAR 23 2010**

FCC Mail Room

**Via Overnight Delivery**

**To:** Ms. Marlene H. Dortch  
**Office of the Secretary**  
**Federal Communications Commission**  
445 12th Street, S.W.  
Washington, DC 20554

**Re:** Request for Special Temporary Authority (Transfer of Control of Domestic Section 214 Authorization)

Dear Ms. Dortch:

BroadRiver, Inc. ("BroadRiver" or "Transferee"), and Nevada Telecom Solutions, Inc. ("Nevada Telecom" or "Transferor") which is the holding company of the wholly-owned subsidiary Nevada Utilities Company d/b/a "Nevada Telephone" and "Excella Communications" ("Nevada Utilities" or "Licensee") pursuant to Section 214 of the Communications Act, as amended, 47 U.S.C. § 214 et. al., and Section 63.04 of the Commission's Rules (47 C.F.R. § 63.04) respectfully request expedited Special Temporary Authority ("STA") for the transfer of control of Nevada Utilities, a non-dominant carrier holding authority from the Commission to provide Domestic telecommunications services, to BroadRiver, Inc. a U.S. company that is not a foreign carrier or affiliated with a foreign carrier and which does not have any direct or indirect foreign owners holding an ownership interest of more than 10 percent. The Applicants respectfully request that the Commission grant this STA request as soon as possible and practicable, but no later than March 19, 2010, so that Nevada Utilities can assure that telecommunications services to its customers will continue un-interrupted.

Concurrently with BroadRiver, Nevada Utilities are filing an application for Domestic section 214 authorization and a request for Special Temporary Authority to provide such services pending the grant of such authority. As detailed in the underlying transfer of control application filed herewith and attached to the Application, Nevada Utilities states that it provides domestic interexchange services pursuant to blanket domestic Section 214 authority under Section 63.01(a) of the Commission's Rules, 47 C.F.R. § 63.01(a).

MALDONADO LAW GROUP - LAW OFFICE OF EDWARD A. MALDONADO, PA  
Request for Special Temporary Authority (Transfer of Control of Section 214 Authorization)

Friday, March 12, 2010

Page 1 of 4



## THE MALDONADO LAW GROUP

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Via Overnight Delivery

To: Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Wireline Competition Bureau Applications  
P.O. Box 979091  
St. Louis, MO 63197-9000

Re: Joint Application of Nevada Utilities Company ("Transferor") and Broad River Inc. ("Transferee") For Authority Pursuant to Section 214 of the Communications Act of 1934, as amended, to Transfer Control of Nevada Utilities Company d/b/a Nevada Telephone ("Licensee")

Dear Ms. Dortch:

On behalf of BroadRiver Inc. ("BroadRiver") and Nevada Utilities Company d/b/a Nevada Telephone ("Nevada Utilities" WC Docket No. 09-27), collectively called the "Applicants", enclosed you shall find an original and six (6) copies of an application for approval to transfer control of Nevada Utilities from its Shareholders to BroadRiver. The Applicants, concurrent with this filing, also submit a Request for Special Temporary Authority. Enclosed you shall find a completed FCC Form 159 Fee Remittance Form and a certified check for payment, in the amount of \$1,015.00 USD, payable to the Federal Communications Commission, which satisfies the filing fee required for all Combined Application pursuant to Section 1.1105 of the Commission's Rules.

An extra copy of this filing further included for filing confirmation and our records. Please date-stamp the submitted extra copy of this filing and return it to us in the self-addressed envelope we have provided herein.

Feel Free to contact me with any questions regarding this filing

Respectfully Submitted,

Edward A. Maldonado, Esq.  
Regulatory Counsel for BroadRiver Inc.

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As of March 1, 2010, BroadRiver has been advised by Nevada Utilities that if control is not assumed of critical network elements and their management, the underlying agreement to acquire Nevada Utilities shall be frustrated and services to end-user consumers will be affected. BroadRiver has entered into an agreement to acquire all of the membership interests of Nevada Utilities and is prepared to continue offering services to current Nevada Utilities customers and must proceed immediately to close the transaction in order to avoid disruption of services to Nevada Utilities' end-user customers. Accordingly, Applicants respectfully request grant of this STA request as soon as possible so that BroadRiver can fund the business and continue providing services to Nevada Utilities' customers. Applicants acknowledge that grant of this request will not prejudice action by the Commission on the underlying Application and that any authority granted pursuant to this request is subject to cancellation or modification upon notice but without a hearing.

Petitions and Supporting Affidavits are hereto attached. Should you have any questions or concerns, do not hesitate to contact me at the address and numbers below.

Respectfully Submitted,

**Edward A. Maldonado, Esq.**  
Regulatory Counsel for BroadRiver, Inc.

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**DECLARATION OF MICHAEL LANDRETH**

I, Michael Landreth, do hereby state and declare that:

1. I am the CFO of Transferee BroadRiver, Inc.
2. I am authorized to make this Declaration on behalf of BroadRiver, Inc.
3. The contents of the foregoing request for Special Temporary Authority are true and correct to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct. Executed this

18<sup>th</sup> Day of March, 2010.

Michael Landreth  
CFO of BroadRiver, Inc.

Cc; Michael Landrith CFO BroadRiver, Inc.  
Cc: Nevada Utilities, Inc. d/b/a Nevada Telephone



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### DECLARATION OF BROADRIVER, INC.

I, Michael Landreth, hereby declare that the following is true and correct to the best of my Knowledge, information and belief:

1. I am CFO of BroadRiver, Inc. (a Georgia corporation). My business address is 1000 Hemphill Ave, Atlanta, GA 30318
2. I am authorized to make this Declaration on behalf of BroadRiver, Inc. and Nevada Utilities, Inc. d/b/a "Nevada Telephone" and "Excella Communications."
3. Nevada Utilities, Inc. d/b/a Nevada Telephone and "Excella Communications" (ITC-214-20090219-00095) currently provides facilities-based and resold local exchange and interexchange services in the State of Nevada, and primarily in the state of Nevada. Nevada Utilities, Inc. d/b/a Nevada Telephone has approximately 5,500 customers, consisting of approximately 5,000 residential customers and 500 commercial customers in the metropolitan Las Vegas, Nevada region. It offers these services on both an interstate and intrastate basis.
4. Nevada Utilities, Inc. d/b/a Nevada Telephone and "Excella Communications" has approximately 5,500 customers.
5. BroadRiver, Inc. entered into an agreement to acquire all of the membership interests of Nevada Utilities, Inc. d/b/a Nevada Telephone from its shareholders under an incremental assumption and payment of debt agreement as Nevada Utilities, Inc. was a financially distressed company at the time of the agreement.
6. BroadRiver, Inc. is prepared to continue offering services to the existing customers of Nevada Utilities, Inc. d/b/a Nevada Telephone and "Excella Communications".
7. As of March 1, 2010, BroadRiver, Inc. has been advised by Nevada Utilities, Inc. d/b/a Nevada Telephone that its critical elements of service are not paid and more aggressively controlled, and absent full payment of debts related to the critical elements of service, the agreement shall become frustrated and the Company will not be in a position to continue service. To prevent this from coming to fruition, and affecting end-user consumers, BroadRiver, Inc. must undertake these liabilities and control at this time.
8. The contents of the foregoing filing are true and correct to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct. Executed this

18<sup>th</sup> Day of March, 2010.

Michael Landreth  
CFO of BroadRiver, Inc.