



PUBLIC NOTICE

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Released: August 5, 2010

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF TRICOM USA, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 10-150

Comments Due: August 19, 2010

Reply Comments Due: August 26, 2010

On July 20, 2010, Tricom USA, Inc. (Tricom) and AMZAK Capital Management, LLC (AMZAK) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer control of Tricom in connection with its recent reorganization under U.S. bankruptcy laws.¹ The transfer was consummated without authority in April 2010.²

Tricom, a Delaware corporation, provides long distance services in New York, New Jersey, and Florida. AMZAK is a Nevada limited liability investment company that is wholly owned by members of the Kazma family (Gerald Joseph Kazma, Michael David Kazma, and Leigh Ann Kazma), all Canadian citizens.

On April 7, 2010, Applicants consummated transactions to transfer control of Tricom, debtor-in-possession, to AMZAK.³ Prior to consummation, Tricom had estimated that Hispaniola Telecom Holdings, Ltd. (Holding Company), a Bahamas holding company, would hold at least 97 percent of the ownership interests of the reorganized Tricom, S.A., a Dominican Republic entity and the direct parent company of Tricom. Tricom further believed that AMZAK would hold less than 50 percent of the interests of Holding Company, and that two other investors, Ellis Portfolio, S.A. (Ellis), a British Virgin

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing an application for a 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.

² Applicants also filed a request for special temporary authority (STA) to allow Tricom to continue to provide service to customers under existing ownership while the section 214 application is pending. On August 5, 2010, the Wireline Competition Bureau granted the STA for domestic authorization for a period of 60 days. A grant of the application will be without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules. Letter from Michelle Cohen, Counsel, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-150 (filed July 19, 2010).

³ Notice of Domestic Section 214 Authorization Granted, Public Notice, WC Docket No. 10-16, 25 FCC Rcd 1800 (WCB 2010).

Islands investment entity, and MAP Private Trust Company (MAP), would hold 10.7 percent and 13.4 percent interests, respectively, in Holding Company. Applicants now state that, as a result of AMZAK acquiring further unsecured claims against Tricom, S.A. and its subsidiaries, AMZAK held a 57.2 percent interest in Holding Company as of the date of consummation, and Ellis and MAP each respectively held 12.5 percent and 19 percent of Holding Company. Applicants state that AMZAK then transferred its interest in Holding Company to its wholly owned subsidiary, Broadband Investments Limited (Broadband), a Barbados limited liability company, on April 7, 2010. On April 15, 2010, Ellis and MAP transferred their ownership interests in Holding Company to Broadband. On or about June 7, 2010, Broadband transferred part of its interest in Holding Company to PTY Capital Partners (PTY Capital Partners), a British Virgin Islands company. Applicants state that Contemporary Investments Ltd. (Contemporary Investments), a Bahamas company, holds 100 percent of the ownership interests of PTY Capital Partners. Alberto C. Motta, Jr. and Stanley A. Motta, citizens of Panama, each hold a 50 percent ownership interest in Contemporary Investments.

Applicants further state that, as a result of the above transactions, Broadband now holds a 55.9 percent interest in Holding Company, and PTY Capital Partners holds a 20.5 percent interest in Holding Company. 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.⁴

Domestic Section 214 Application Filed for the Transfer of Control of Tricom USA, Inc., to AMZAK Capital Management, LLC, WC Docket No. 10-150 (filed July 20, 2010).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control 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 C.F.R. § 63.03(a), interested parties may file comments **on or before August 19, 2010**, and reply comments **on or before August 26, 2010**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁵ 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

⁴ 47 C.F.R. § 63.03(b)(2)(i).

⁵ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

filing instructions, filers should send an e-mail to 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; phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;
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- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, 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; url: www.bcpiweb.com.

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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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