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April 10, 2013

**BY ECFS**

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

Re: Request for Special Temporary Authority  
WC Docket No. 13-78 - Assignment of Domestic Section 214 Authorization

Dear Ms. Dortch:

On March 15 and 18, 2013, TNCI Operating Company LLC (“TNCI-OpCo”) and Trans National Communications International, Inc. (Debtor-in-Possession) (“TNCI-DIP” and together with TNCI-OpCo, “Applicants”) filed Applications requesting Commission approval for a transaction whereby TNCI-OpCo will acquire certain of the assets (including the customers and domestic and international section 214 authorizations) of TNCI-DIP through a sale pursuant to Section 363 of the United States Bankruptcy Code (the “Transaction”).<sup>1</sup> As stated in the Applications, Applicants have scheduled their initial closing for April 30, 2013. However, the notice period initiated by the April 9, 2013 release of the public notice of the Domestic 214 Application (DA 13-672) will not end until May 10, 2013. Accordingly, absent special temporary authority (“STA”), approval of the Domestic 214 Application will not be granted in time for the scheduled April 30 closing.

Applicants understand that the Commission will likely issue a public notice accepting the International 214 Application for filing on April 12, 2013 which, given a 14-day comment period, would allow for automatic approval prior to the scheduled April

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<sup>1</sup> The Domestic Section 214 Application was filed on March 18, 2013 and has been assigned WC Docket No. 13-78 (“Domestic 214 Application”). The International Section 214 Application was filed on March 15, 2013 and has been assigned IB File No. ITC-ASG-20130315-00078 (“International 214 Application”).

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30 closing. In order that the Applicants may proceed with the initial closing as scheduled on April 30, 2013, the Applicants respectfully request that the Commission issue an STA with respect to the Domestic 214 Application pursuant to Section 214 of the Communications Act, as amended, 47 U.S.C. § 214, and Sections 63.04 and 63.24 of the Commission's Rules, 47 C.F.R. §§ 63.04 & 63.24.<sup>2</sup> Such authorization will allow TNCI-OpCo to acquire TNCI-DIP's interstate and international customers and assets, including the domestic and international Section 214 authorizations, and intrastate customers and assets for which applicable state approvals have been obtained. TNCI-DIP's customers have been notified by letter that the transfer of their service will occur on or after May 1, 2013, subject to the receipt of necessary Commission and state government approvals.

TNCI-DIP filed a voluntary petition for relief on October 9, 2011 under Chapter 11 of Title 11, U.S.C. §§ 101 et seq., as amended, in the United States Bankruptcy Court for the District of Massachusetts (Case No. 11-19595-WCH). On March 13, 2013, the Bankruptcy Court approved the Transaction and on March 14, 2013, issued a Sale Order approving the sale of the customers and certain assets of TNCI-DIP, including TNCI-DIP's telecommunications equipment and business, to TNCI-OpCo. The Agreement and Sale Order provide for an initial closing following receipt of FCC approvals.

Until its various assets have been assigned to TNCI-OpCo, TNCI-DIP will continue to operate its business and provide telecommunications services to its customers as a Debtor-in-Possession in bankruptcy. As the Commission is aware from consideration of other cases involving carrier restructurings, TNCI-DIP's financial position and its bankruptcy have created uncertainties among its customers and vendors that Applicants want to remedy as soon as possible so that the business can return to operating in the normal course and without any threat of interruption of service. Grant of an STA for the Domestic 214 Application to enable the parties to complete the assignment of TNCI-DIP's interstate services to TNCI-OpCo will allow the transfer of interstate and international services (and intrastate services in those states where applicable approvals have been obtained) from the bankrupt entity to TNCI-OpCo, and is consistent with the notice provided to customers as to the anticipated transfer date. If the Commission does not grant the STA, the initial closing will have to be delayed until May 31, 2013 under the Agreement, which would unnecessarily extend the uncertainties currently experienced by TNCI-DIP's customers and vendors.

Accordingly, Applicants respectfully request grant of this STA request as soon as possible so that TNCI-DIP can plan for and complete the initial closing of the Transaction on April 30 and thereby allow TNCI-OpCo to begin to providing services to

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<sup>2</sup> In the event that the International 214 Application is not accepted for filing with streamlined treatment on April 12, 2013, Applicants will also request an STA with respect to that application.

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TNCI-DIP customers as of May 1. Applicants do not expect that there will be any comments or protests filed with respect to the Transaction approved by the Bankruptcy Court, but we note that that the comment periods with respect to both the Domestic 214 Application and, we expect, the International 214 Application, will have ended before April 30, a grant of the requested STA effective April 30 will afford the Commission an opportunity to assess whether and what comments, if any, may have been filed. Moreover, Applicants expressly acknowledge that grant of this request will not prejudice action by the Commission on the underlying Domestic 214 Application and that any authority granted pursuant to this request is subject to cancellation or modification upon notice but without a hearing. We request that the STA be granted for a period of sixty (60) days to permit the Commission to complete its processing of the pending Domestic 214 Application in due course.

Should you have any questions or require further information, please do not hesitate to contact us.

Respectfully submitted,

*/s/ Jean L. Kiddoo*

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