

**CAHILL GORDON & REINDEL LLP**

SUITE 950

1990 K STREET, N.W.

WASHINGTON, D.C. 20006-1181

EIGHTY PINE STREET  
NEW YORK, N.Y. 10005-1702  
(212) 701-3000  
FAX: (212) 269-5420

AUGUSTINE HOUSE  
6A AUSTIN FRIARS  
LONDON, ENGLAND EC2N 2HA  
(011) 44.20.7920.9800  
FAX: (011) 44.20.7920.9825

TELEPHONE (202) 862-8900  
FACSIMILE (866) 814-6582

ANGELA F. COLLINS | 202-862-8930 | acollins@cahill.com

September 23, 2013

**VIA ECFS**

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

**Re: WC Docket No. 13-164, Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Lightyear Network Solutions, LLC and SE Acquisitions, LLC by Birch Communications, Inc. and Birch Telecom, Inc.**

Dear Secretary Dortch:

Birch Communications, Inc. and Birch Telecom, Inc. (collectively, “Birch”) hereby affirm that on May 10, 2013, Birch executed an Asset Purchase Agreement with Lightyear Network Solutions, LLC and SE Acquisitions, LLC (collectively, “Lightyear”) to acquire certain Lightyear assets. On June 18, 2013, Birch and Lightyear filed a joint application seeking Federal Communications Commission (“Commission”) approval to transfer certain Lightyear assets and customers to Birch, excluding the Commission authorizations held by Lightyear.<sup>1</sup>

Birch is aware that Lightyear has entered into a consent decree (“Consent Decree”) with the Enforcement Bureau of the Federal Communications Commission (“Bureau”) to terminate an investigation into whether Lightyear violated the Communications Act of 1934, as amended, and the Commission’s rules related to the universal service support mechanisms, the Telecommunications Relay Service Fund, and North American Numbering Plan and Local Number Portability administration.<sup>2</sup>

Birch acknowledges that, for purposes of the Consent Decree only, Birch will be deemed a successor, assignee or transferee of Lightyear following consummation of the above-referenced Asset Purchase Agreement. As a result, Birch acknowledges that following consummation of

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<sup>1</sup> WC Docket No. 13-164, *Birch Communications, Inc. and Birch Telecom, Inc., Assignees, and Lightyear Network Solutions, LLC and SE Acquisitions, LLC, Assignors, Application for Consent to Assign Assets and/or Transfer Control of Assets pursuant to Section 214 of the Communications Act of 1934, as Amended*, Joint Application (filed June 18, 2013) (“Joint Application”).

<sup>2</sup> *Lightyear Network Solutions, LLC*, File No. EB-08-IH-1374, Consent Decree, DA 13-1953.

the Asset Purchase Agreement it will be bound by Lightyear's obligations as set forth in the Consent Decree (excluding paragraphs 17-21 of the Consent Decree) for the remaining term of the Consent Decree, after such time as the Asset Purchase Agreement has been consummated.

Birch understands that these acknowledgements are a condition to the Commission's grant of the Joint Application filed in WC Docket No. 13-164. Birch further understands that a material violation of its commitment to assume the Consent Decree obligations identified above, or any material violation of those obligations, may subject Birch to enforcement action at the Commission's discretion.

Respectfully submitted,

A handwritten signature in cursive script that reads "Angela Collins".

Angela F. Collins  
Counsel for Birch Communications, Inc.