

NOWALSKY & GOTHARD

A Professional Limited Liability Company
Attorneys at Law

PCC/US BANK NOV 12 2013

LEON L. NOWALSKY
EDWARD P. GOTHARD

1420 Veterans Memorial Blvd.
Metairie, Louisiana 70005
Telephone: (504) 832-1984
Facsimile: (504) 831-0892

November 8, 2013

BY OVERNIGHT DELIVERY

Federal Communications Commission
Wireline Competition Bureau
9300 E. Hampton Drive
Capitol Heights, MD 20743

FCC c/o US Bank (Via U.S. Mail)
Wireline Competition Bureau - CPD- 214 Appls.
P.O. Box 979091
St. Louis, MO 63197-9000

RE: Combined application for consent to the transfer of control of a business which has Blanket Domestic Interstate 214 Authority - Transfer of Assets of Fusion Connect, LLC, Transferor to First Choice Technology of Louisiana, LLC, Transferee

Dear Sir or Madam:

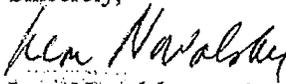
Enclosed please find the following documents submitted on behalf of Fusion Connect, LLC, Transferor to First Choice Technology of Louisiana, Inc., Transferee

1. The original and four (4) copies of an Application for consent to the transfer of control of a business which has blanket domestic interstate 214 authority.
2. The original and four (4) copies of FCC Form 159.
3. Our AMEX number authorizing a charge in the amount of \$1,050.00 representing the filing fee for this Application.

Please return a copy of this letter, date-stamped, in the envelope provided as evidence of the filing.

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

Sincerely,


Leon Nowalsky

Enclosures

cc: FCC Copy Contractor

Marlene Dortch, Secretary

Received & inspected
NOV 12 2013

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 #		SPECIAL USE ONLY	
		FCC USE ONLY	
SECTION A - PAYER INFORMATION			
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) Leon Nowalsky		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$1,050.00	
(4) STREET ADDRESS LINE NO. 1 1420 Veterans Blvd.			
(5) STREET ADDRESS LINE NO. 2			
(6) CITY Metairie		(7) STATE LA	(8) ZIP CODE 70005
(9) DAYTIME TELEPHONE NUMBER (include area code) (504)832-1984		(10) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(11) PAYER (FRN) 0005659958		(12) FCC USE ONLY	
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 Fusion Connect, LLC			
(14) STREET ADDRESS LINE NO. 1 2625 Texas Drive			
(15) STREET ADDRESS LINE NO. 2			
(16) CITY Irving		(17) STATE TX	(18) ZIP CODE 75062
(19) DAYTIME TELEPHONE NUMBER (include area code) 972-588-2100		(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(21) APPLICANT (FRN) 0004333530		(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID	(24A) PAYMENT TYPE CODE CUT	(25A) QUANTITY	
(26A) FEE DUE FOR (PTC)	(27A) TOTAL FEE \$1,050.00	FCC USE ONLY	
(28A) FCC CODE I	(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 I	(29B) FCC CODE 2		
SECTION D - CERTIFICATION			
CERTIFICATION STATEMENT I, <u>LEON NOWALSKY</u> certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.			
SIGNATURE <u>[Signature]</u>		DATE <u>11-8-13</u>	

FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE (CONTINUATION SHEET) FORM 159-C Page No <u>2</u> of <u>2</u>		SPECIAL USE <hr/> FCC USE ONLY
USE THIS SECTION ONLY FOR EACH ADDITIONAL APPLICANT SECTION BB - ADDITIONAL APPLICANT INFORMATION		
(13) APPLICANT NAME First Choice Technology of Louisiana, LLC		
(14) STREET ADDRESS LINE NO. 1 903 Lake Lily Drive, Suite A125		
(15) STREET ADDRESS LINE NO. 2		
(16) CITY Maitland	(17) STATE FL	(18) ZIP CODE 32751
(19) DAYTIME TELEPHONE NUMBER (include area code) 954-227-1700	(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED		
(21) APPLICANT (FRN) 0023004765	(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET		
(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 I	(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 I	(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 I	(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 I	(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 I	(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 I	(29F) FCC CODE 2	

NOV 12 2013

BEFORE THE
Federal Communications Commission FCC Mail Room
WASHINGTON, D.C. 20554

In the Matter of)
)
)
)
 First Choice Technology of Louisiana, LLC)
 and)
 Fusion Connect, LLC)
)
)
 Application Pursuant to Section 214 of the)
 Communications Act of 1934 and Section 63.04)
 of the Commission's Rules for Consent to the)
 Transfer of Assets of Fusion Connect, LLC)
 to First Choice Technology of Louisiana, LLC)
)
 To: The Commission)
)
)

File No.

Attention: Wireline Competition Bureau

DOMESTIC APPLICATION FOR CONSENT TO TRANSFER OF CONTROL

Pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.01 through 63.04 of the Commission's Rules, First Choice Technology of Louisiana, LLC ("First Choice") and Fusion Connect, LLC ("Fusion"), by their attorneys, hereby seek consent to the transfer of assets of Fusion to First Choice (the "Acquisition") Fusion holds blanket section 214 authority to provide domestic telecommunications services.

Grant of the requested authority will permit consummation of a transaction whereby First Choice will acquire the telecommunications assets of Fusion. The proposed transfer

will benefit the public interest. In accordance with 47 C.F.R. § 63.03, the parties request streamlined processing of this Application.

- (1) The name, address and telephone number of the transferor and transferee.

Transferor:

Fusion Connect, LLC
2625 Texas Drive
Irving, TX 75062
Telephone: (972) 588-2100

Transferee:

First Choice Technology of Louisiana, LLC
903 Lake Lily Drive, Suite A125
Maitland, FL 32751
Telephone (407) 629-0950

- (2) The state of incorporation of transferor and transferee.
 - First Choice is a Louisiana limited liability company
 - Fusion is a Texas limited liability company
- (3) Correspondence concerning this Application should be addressed to:

Leon Nowalsky
Nowalsky, Bronston & Gothard, APLLC
1420 Veterans Blvd.
Metairie, Louisiana 70005
(504) 832-1984 (Telephone)
(504) 831-0892 (Facsimile)
lnowalsky@nbglaw.com

(4) First Choice certifies to the following information:

The name, address, citizenship, and principal place of business of the owners of First Choice, holding a 10 percent or greater ownership interest, are:

First Choice Technology, Inc. 100% owner
Address: 903 Lake Lily Drive, Suite A125
Maitland, FL 32751
Citizenship: United States
Principal Business: Telecommunications
First Choice Technology, Inc. does not own a 10% or greater ownership or equity interest in any other telecommunications companies.

Shareholders of First Choice Technology

Scott Howsare, President
Address: 903 Lake Lily Drive, Suite A125
Maitland, FL 32751
Citizenship: United States
Principal Business: Telecommunications
Percent Ownership: 33.3%
Scott Howsare does not own a 10% or greater ownership or equity interest in any other telecommunications companies.

Leon Nowalsky, Asst. Secretary
Address: 1420 Veterans Blvd., Metairie,
LA 70005
Citizenship: United States
Principal Business: Attorney at Law
Percent Ownership: 33.3%
Leon Nowalsky does not own a 10% or greater ownership or equity interest in any other telecommunications companies.

Ava Rosenberg, Shareholder
Address: 1420 Veterans Blvd., Metairie,
LA 70005
Citizenship: United States
Principal Business: Attorney at Law
Percent Ownership: 33.3%

Ava Rosenberg does not own a 10% or greater ownership or equity interest in any other telecommunications companies.

The name, address, citizenship, and principal place of business of the owners of Fusion, holding a 10 percent or greater ownership interest, are:

Fusion Connect, LLC

Lovkesh Kalia, Member 25%
Address: 2408 Kings Country Drive
Irving, Texas 75038
Citizenship: United States
Kalia does not own a 10% or greater ownership or equity interest in any other telecommunications companies

Mahesh Kalia, Member 25%
Address: 2408 Kings Country Drive
Irving, Texas 75038
Citizenship: United States
Kalia does not own a 10% or greater ownership or equity interest in any other telecommunications companies

Satish Kumar 25%
Address: 4300 Village Green
Irving, Texas 75038
Citizenship: United States
Kalia does not own a 10% or greater ownership or equity interest in any other telecommunications companies

Kyle Hensley 25%
Address: 2625 Texas Drive
Irving, TX 75062
Citizenship: United States
Kalia does not own a 10% or greater ownership or equity interest in any other telecommunications companies

- (5) The parties to this application certify that neither the Applicants nor any party to the Application is subject to a denial of Federal benefits that includes FCC benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862.

- (6) Grant of the requested authority will permit consummation of a transaction whereby First Choice will acquire substantially all of the assets of Fusion and Fusion will relinquish its Domestic 214 authority, simultaneous with consummation of the transaction.
- (7) First Choice is a non-dominant carrier that resells domestic and long distance service from various facilities based carriers. First Choice is authorized by the FCC to offer domestic interstate and international services in forty-eight (48) states and the District of Columbia as a non-dominant carrier.

Fusion is a non-dominant carrier that resells domestic long distance service from various facilities based carriers. Fusion is authorized by the FCC to offer domestic interstate services in forty-eight (48) states and the District of Columbia as a non-dominant carrier.
- (8) This Application is appropriate for streamlined treatment based on Section 63.03(b)(1)(I) and 63.03(b)(2)(I).
- (9) Fusion did not obtain a Section 214 International authorization.
- (10) Not applicable.
- (11) Not applicable.
- (12) Grant of the instant application will serve the public interest, convenience, and necessity. Consummation of the proposed transaction will result in net benefits to Fusion's customers by strengthening the financial status of Fusion. The transaction will enhance Fusion's ability to offer a broader range of innovate products and services to customers.

V. SUMMARY AND CONCLUSION

In summary, consent to the proposed transaction will allow First Choice to continue providing quality service to a greater number of customers and will increase competition.

No new construction is involved, and grant of the instant application would not constitute a "major" environmental action pursuant to Section 1.1305 of the Commission's Rules.

In view of the foregoing, the applicants respectfully request that the Commission consent to the acquisition by First Choice of Fusion and its domestic telecommunications operations.

Dated this 8th day of November, 2013

Respectfully submitted,

By Leon L. Nowalsky

Leon Nowalsky *LN*
Nowalsky, Bronston & Gothard
A Professional Limited Liability Company
1420 Veterans Blvd.
Metairie, Louisiana 70005
Telephone: (504) 832-1984
Counsel for First Choice Technology of Louisiana, LLC.
and Fusion Connect, LLC

STATE OF *Louisiana*
Parish
COUNTY OF *Jefferson*

Received & Inspected
NOV 12 2013
FCC Mail Room

VERIFICATION

I, Leon Nowalsky, am the Assistant Secretary of First Choice Technology of Louisiana, Inc. and am authorized to make this verification on its behalf. The statements made in the foregoing Application are true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters I believe them to be true.

By: 
Name: Leon Nowalsky
Title: Assistant Secretary

Sworn to and subscribed before me, Notary Public, in and for the State and County named above, this 8th day of November, 2013.


Notary Public

My commission expires:

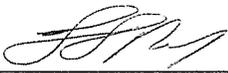
**HENRIK A. PONTOPPIDAN
ATTORNEY/NOTARY PUBLIC
JEFFERSON PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE
BAR #10583 NOTARY ID 17214**

Received & inspected
NOV 12 2013
FCC Mail Room

State of Louisiana
Parish
County of Jefferson

AFFIDAVIT

The applicant below certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance.

By: 
Printed Name: Leon Nowalsky
Title: Asst. Secretary
First Choice Technology of
Louisiana, LLC.

Sworn to and subscribed before me this
8th day of November, 2013


Notary Public

My commission expires _____

**HENRIK A. PONTOPPIDAN
ATTORNEY/NOTARY PUBLIC
JEFFERSON PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE
BAR #10583 NOTARY ID 17214**

STATE OF
COUNTY OF

Received & Inspected
NOV 12 2013
FCC Mail Room

VERIFICATION

I, LOVKESH KALIA, am the CEO of Fusion Connect, LLC and am authorized to make this verification on its behalf. The statements made in the foregoing Application are true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters I believe them to be true.

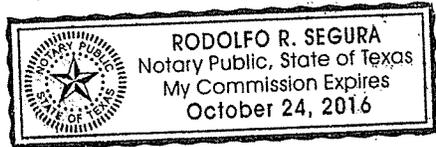
By: *Lovkesh Kalia*
Name: LOVKESH KALIA
Title: CEO

Sworn to and subscribed before me, Notary Public, in and for the State and County named above, this 5th day of November, 2013.

[Signature]
Notary Public

My commission expires:

10/24/16



Received & inspected
NOV 12 2013
FCC Mail Room

State of Texas

County of DALLAS

AFFIDAVIT

The applicant below certifies that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance.

By: *Lovkesh Kalra*
Printed Name: LOVKESH KALIA
Title: C.E.O
Fusion Connect, LLC

Sworn to and subscribed before me this
5th day of November, 2013

[Signature]
Notary Public

My commission expires 10/24/14

