

Jerry Kettles - Startec Application (07-00082)

From: "Ferenchak, Brett P." <Brett.Ferenchak@bingham.com>
To: "Jerry Kettles" <Jerry.Kettles@state.tn.us>
Date: 6/13/2007 11:17 AM
Subject: Startec Application (07-00082)

07-00082

Jerry,

As discussed on the phone, Startec Global Operating Company (SGOC) did not file a notification letter with the FCC in Docket No. 00-257 regarding the *pro forma* restructuring resulting from its merger with Startec Global Licensing Company (SGLC) because (1) SGOC was already providing interstate and international telecommunications services to "Startec" customers, which is regulated by the FCC, while SGLC was only providing intrastate long distance services, which is regulated by the states and (2) under FCC Decisions, a *pro forma* transaction (such as the merger between SGOC and SGLC) that is invisible to customers - due to the fact that the customers did not experience any change of the carrier name on their bill ("Startec" was on the bills of both SGOC and SGLC), the contact number and billing address of the carrier remained the same, and there was no change in rates, terms, and conditions of service - does not constitute a transfer of customers that implicates the FCC's slamming rules and streamlined process in part because it could cause customers confusion where there would otherwise be none. Therefore, it is Startec's position that the FCC slamming rules and streamlined process did not apply to the *pro forma* restructuring.

Please let me know if you have any other questions.

Regards,
Brett

B I N G H A M

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