

**DOCKET NO: 08-00094**



# PUBLIC NOTICE

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## DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF U.S. SOUTH COMMUNICATIONS, INC. TO FIRST DATA CORPORATION

### STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 08-69

Comments Due: June 12, 2008

Reply Comments Due: June 19, 2008

On May 16, 2008, U.S. South Communications, Inc. d/b/a U.S. South d/b/a INCOMM (U.S. South) and First Data Corporation (First Data) (collectively, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer control of U.S. South to First Data.<sup>1</sup> U.S. South, a Georgia corporation, offers interstate services to business and residential customers nationwide. It is a wholly owned subsidiary of InComm Holdings, Inc., a Georgia corporation. First Data, a Delaware corporation, provides electronic commerce and payment services and does not currently provide telecommunications services. Applicants state that all of the outstanding stock of First Data is held by First Data Holdings Inc., and that more than 95 percent of First Data Holdings Inc. is held by New Omaha Holdings L.P. Applicants state that the following entities own at least 10 percent of the equity of New Omaha Holdings L.P.: KKR 2006 Fund, L.P. (36.7 percent) and New Omaha Holdings Co-Invest L.P. (21.9 percent).<sup>2</sup> Pursuant to the terms of the proposed transaction, U.S. South will remain a wholly-owned subsidiary of InComm Holdings, which will become a wholly-owned subsidiary of First Data Merchant Services Corporation. First Data Merchant Services Corporation is an indirect wholly owned subsidiary of First Data, which in turn is a wholly owned subsidiary of First Data Holdings, Inc. All the entities in this application are U.S.-based. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(1)(ii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.<sup>3</sup>

<sup>1</sup> 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing an application for 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. Applicants filed a supplement to their domestic section 214 application on May 28, 2008.

<sup>2</sup> Applicants state that KKR 2006 Fund, L.P. is managed by affiliates of Kohlberg Kravis Roberts & Co, L.P. (KKR), a private equity firm, and that none of the owners of KKR 2006 Fund, L.P. or KKR owns a 10 percent or greater interest in New Omaha Holdings L.P. They further state that New Omaha Holdings Co-Invest L.P. is ultimately managed by the same affiliates of KKR and that none of the owners of New Omaha Holdings Co-Invest L.P. owns a 10 percent or greater interest in New Omaha Holdings, L.P.

<sup>3</sup> 47 C.F.R. § 63.03(b)(1)(ii).