



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 08-1910
Released: August 14, 2008

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF
CERTAIN ASSETS OF NAVIGATOR TELECOMMUNICATIONS, LLC TO
ACCESS INTEGRATED NETWORKS, INC. D/B/A BIRCH COMMUNICATIONS
AND BIRCH TELECOM, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 08-158

Comments Due: August 28, 2008
Reply Comments Due: September 4, 2008

On July 28, 2008, Access Integrated Networks, Inc. d/b/a Birch Communications (Access), Birch Telecom, Inc. (Birch), and Navigator Telecommunications, LLC (Navigator, together Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer certain customers of Navigator to Access and Birch.¹ Navigator, an Arkansas limited liability company, is authorized to provide competitive local and long distance services in multiple states. Birch, a Missouri corporation, is wholly owned by Access, a Georgia corporation. Access and Birch, through its wholly owned U.S. based subsidiaries, are authorized to provide competitive local and long distance service in multiple states. Access is wholly owned by Access Investors, LLC, a Georgia limited liability company that is owned by Holcombe Green (62 percent) and R. Kirby Godsey (33 percent), both U.S. citizens. Applicants state that no other person or entity owns a 10 percent or greater interest in Birch or Access, and that they do not have other telecommunications affiliates. Pursuant to the terms of the proposed transaction, Applicants have entered into an Asset Purchase Agreement whereby Access and the Birch subsidiaries will acquire Navigator's residential and business local and long distance customers in the states of Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, North Carolina, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Wisconsin. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules, and that a grant of this application will serve the public interest, convenience, and necessity.²

¹ 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 August 13, 2008.

² 47 C.F.R. § 63.03(b)(2)(i).

Application Filed for the Transfer of Certain Assets of Navigator Telecommunications, LLC to Access Integrated Networks, Inc. d/b/a Birch Communications and Birch Telecom, Inc, WC Docket No. 08-158 (filed July 28, 2008).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before August 28, 2008**, and reply comments **on or before September 4, 2008**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.³ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's eRulemaking Portal. See 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal eRulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

In addition, email one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: 202 / 488-5300; fax: 202 / 488-5563;
- 2) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 4) David Krech, International Bureau, Policy Division, International Bureau, david.krech@fcc.gov;
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257,

³ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: 202 / 488-5300; fax: 202 / 488-5563; email: fcc@bcpiweb.com; url: www.bcpiweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202 / 418-0530 (voice), 202 / 418-0432 (tty).

For further information, please contact Myrva Charles at 202 / 418-1506 or Jodie May at 202 / 418-0913.

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