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

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Docket No. 10-00197

DA 10-1948
Released: October 8, 2010

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF STI PREPAID, LLC TO VIVARO CORPORATION

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 10-205

Comments Due: October 22, 2010
Reply Comments Due: October 29, 2010

On September 24, 2010, STi Prepaid, LLC (STi) and Vivaro Corporation (Vivaro) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer control of STi to Vivaro.[1]

STi Prepaid, a Delaware limited liability company, provides interstate services throughout the United States, primarily through prepaid calling card services. Vivaro, a Delaware corporation, does not itself provide telecommunications services, but is a holding corporation for Epana Networks, Inc. that provides interstate prepaid calling card services throughout the United States. Vivaro was acquired by Progress International, LLC (Progress), a Texas limited liability company, on June 18, 2010.[2] Applicants state that Progress is wholly owned by IXC International, LLC (IXC), a Delaware limited liability company serving as a holding company for Progress and its subsidiaries. IXC is wholly owned by Telecom Overseas C.V. (TOCV), a Netherlands limited partnership functioning solely as a holding company. TOCV has one general partner, Stichting Jarda, a Dutch foundation. Stichting Jarda owns less than a one percent interest in TOCV. TOCV has one limited partner: Gustavo M. de la Garza Ortega, a citizen of Mexico, who owns more than a 99 percent interest in TOCV. Pursuant to the terms of the proposed transaction, STi will merge into Vivaro Acquisition, LLC, a Delaware limited liability company and wholly owned subsidiary of Vivaro, with STi as the surviving entity. Applicants assert that the

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[1] 47 C.F.R § 63.03; *see* 47 U.S.C. § 214. Applicants also filed an application for transfer of control associated with authorizations for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other pending applications. Applicants filed a request for special temporary authority on September 27, 2010 stating that customers were at risk of service termination if Applicants could not close the transaction by October 8, 2010. On October 6, 2010, the Wireline Competition Bureau granted the STA for a period of 60 days. Letter from David L. Nace to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-205 (filed Sept. 27, 2010). Applicants filed an amendment to their application on October 7, 2010.

[2] *Domestic Section 214 Application Filed for the Transfer of Control of Epana Networks, Inc. from Sienna Limited Partnership III, L.P. to Progress International, LLC*, WC Docket No. 10-163, Public Notice, DA 10-1612 (rel. Aug. 26, 2010), *Notice of Removal of Domestic Section 214 Application from Streamlined Treatment*, WC Docket No. 10-163, Public Notice, DA 10-1758 (rel. Sept. 17, 2010). This application remains pending.

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 the application will serve the public interest, convenience, and necessity.[3]

Domestic Section 214 Application Filed for the Transfer of Control of STi Prepaid, LLC to Vivaro Corporation, WC Docket No. 10-205 (filed Sept. 24, 2010).

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 October 22, 2010,** and reply comments **on or before October 29, 2010.** Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.[4] Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's e-Rulemaking 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 e-Rulemaking 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, e-mail 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) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;

3) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;

4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and

5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

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[3] 47 C.F.R. § 63.03(b)(2)(i).

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

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, 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; e-mail: fcc@bcpiweb.com; url: www.bcpiweb.com.

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For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Jodie May at (202) 418-0913.

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