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07-00234

DA 07-4460
Released: October 30, 2007

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF AMERICAN FIBER NETWORK, INC. FROM MOBILEPRO CORP. TO UNITED SYSTEMS ACCESS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 07-236

Comments Due: November 13, 2007
Reply Comments Due: November 20, 2007

The following application was filed pursuant to section 63.03 of the Commission's rules requesting approval to transfer control of American Fiber Network, Inc. (AFN) from Mobilepro Corp. (Mobilepro) to United Systems Access, Inc. (USAI) (collectively, Applicants¹). AFN, a Delaware corporation, is a wholly owned subsidiary of Mobilepro, a publicly traded Delaware corporation. AFN is authorized to provide competitive local exchange and interexchange services in multiple states. USAI, a Delaware corporation, and its wholly owned subsidiary, United Systems Access Telecom, Inc., are authorized to provide competitive local exchange and interexchange services in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. The following U.S. citizens currently own a 10 percent or greater direct or indirect interest in USAI: Stephen J. Gilbert (28.56%), L. William Fogg (26.30%), Alexander E. Barkas/Linda Wijcik (25.57%), and Jonathan R. Gilbert (12.30%).² 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 the application will serve the public interest, convenience, and necessity.³

¹ 47 C.F.R. § 63.03; see 47 U.S.C. § 214. Applicants are also filing applications 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 October 29, 2007.

² Applicants state that, following the close of the proposed transaction, USAI will issue additional shares of stock, and the percent of equity owned by the individuals listed will be slightly reduced. Mobilepro and USAI have also filed a domestic section 214 application to transfer control of CloseCall America, Inc. (CloseCall), a wholly owned subsidiary of Mobilepro, to USAI. CloseCall provides competitive local exchange and interexchange services in multiple states. Application Filed for the Transfer of Control of CloseCall America, Inc. from Mobilepro Corp. to United Systems Access, Inc., WC Docket No. 07-241 (filed Oct. 5, 2007).

³ 47 C.F.R. § 63.03(b)(2)(i).

Application Filed for the Transfer of Control of American Fiber Network, Inc. from Mobilepro Corp. to United Systems Access, Inc., WC Docket No. 07-236 (filed Oct. 5, 2007).

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 November 13, 2007**, and reply comments **on or before November 20, 2007**. 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 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) 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.

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; email: 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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