



PUBLIC NOTICE

Federal Communications Commission
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DA 14-213

Released: February 19, 2014

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF ITG, INC. BY iTALK, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 14-24

Comment Date: March 5, 2014

Reply Comment Date: March 12, 2014

On January 29, 2014, ITG, Inc. (ITG) and iTalk, Inc. (iTalk) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules¹ to transfer assets of ITG to iTalk. Applicants consummated this transaction without authority on June 5, 2013.²

ITG, a Texas corporation, is a wholly-owned subsidiary of DataJack, Inc., a Nevada corporation. DataJack offers through its subsidiaries nationwide mobile broadband data transmission services. Applicants state that iTalk, a Nevada corporation, develops retail voice and data communications services for use with wireless devices but that it does not currently offer domestic telecommunications services. They further state that no individual or entity own or controls more than 10 percent directly or indirectly of iTalk. Pursuant to an Asset Purchase Agreement, dated June 5, 2013, Applicants undertook a transaction whereby iTalk acquired those operations of ITG related to the provision of regulated telecommunications services, including customer accounts.

Applicants state that the transaction did not result in any changes to the terms or conditions of services of affected customers. 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 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 related, pending applications. Applicants filed a supplement to their domestic section 214 application on February 12, 2014.

² On February 12, 2014, the Wireline Competition Bureau granted Applicants' request for Special Temporary Authority for a period of 60 days for authorization to continue to provide service pending approval of this application. A grant of the application will be without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules. Letter from Catherine Wang and Jeffrey R. Strenkowski, Counsel for iTalk, Inc., to Marlene H. Dortch, WC Docket No. 14-24 (filed Jan. 29, 2014).

³ 47 C.F.R. § 63.03(b)(2)(i).

Domestic Section 214 Application Filed for the Acquisition of Assets of ITG, Inc. by iTalk, Inc., WC Docket No. 14-24 (filed Jan. 29, 2014).

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer 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 CFR § 63.03(a), interested parties may file comments **on or before March 5, 2014**, and reply comments **on or before March 12, 2014**. Pursuant to section 63.52 of the Commission's rules, 47 C.F.R. § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁴

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents in this proceeding using the Commission's Electronic Comment Filing System (ECFS): <http://fjallfoss.fcc.gov/ecfs2/>.

In addition, e-mail one copy of each pleading to each of the following:

- 1) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, tracey.wilson@fcc.gov;
- 2) Jodie May, Competition Policy Division, Wireline Competition Bureau, jodie.may@fcc.gov;
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

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).

The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission

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

⁵ 47 C.F.R. §§ 1.1200 *et seq.*

staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 C.F.R. § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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

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