

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

|   |   |                            |
|---|---|----------------------------|
| In the Matter of                              | ) | File No. EB-08-TC-4005     |
|   | ) | File No. EB-08-IH-0615     |
| Global Information Technologies               | ) |                            |
|   | ) | NAL/Acct. No. 201132080011 |
| Compliance with the Commission's              | ) |                            |
| Rules and Regulations Governing Customer      | ) | FRN: 0007350226            |
| Proprietary Network Information and Universal | ) |                            |
| Service Fund Line-Item Charges                | ) |                            |
|   | ) |                            |

**ORDER**

**Adopted: October 4, 2010**

**Released: October 5, 2010**

By the Chief, Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Enforcement Bureau (the "Bureau") and Global Information Technologies ("GIT"). The Consent Decree terminates the enforcement proceedings initiated by the Bureau against GIT for possible violation of section 222 of the Communications Act of 1934, as amended ("Act"),<sup>1</sup> section 64.2009(e) of the Federal Communications Commission's ("Commission") rules,<sup>2</sup> and the Commission's *EPIC CPNI Order* relating to the confidentiality of customer proprietary network information, and, among other things, section 254 of the Act<sup>3</sup> and section 54.712(a) of the Commission's rules<sup>4</sup> relating to the recovery of universal service fund contributions from end-user customers.

2. The Bureau and GIT have negotiated the terms of the Consent Decree that resolve this matter. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the investigations.

4. In the absence of material new evidence relating to this matter, we conclude that the Bureau's investigations raise no substantial or material questions of fact as to whether GIT possesses the basic qualifications, including those related to character, to hold or obtain any Commission license or authorization.

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<sup>1</sup> 47 U.S.C. § 222.

<sup>2</sup> 47 C.F.R. § 64.2009(e).

<sup>3</sup> 47 U.S.C. § 254.

<sup>4</sup> 47 C.F.R. § 54.712(a).

5. Accordingly, **IT IS ORDERED** that, pursuant to section 4(i) of the Act,<sup>5</sup> and sections 0.111 and 0.311 of the Commission's Rules,<sup>6</sup> the Consent Decree attached to this Order **IS ADOPTED**.

6. **IT IS FURTHER ORDERED** that the above-captioned investigations **ARE TERMINATED**.

7. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, Ginger Washburn, President, Global Information Technologies, GIT Satellite LLC, 13740 Research Blvd, Suite Q-2, Austin, TX 78750.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison  
Chief, Enforcement Bureau

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<sup>5</sup> 47 U.S.C. § 154(i).

<sup>6</sup> 47 C.F.R. §§ 0.111, 0.311.

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|   | ) |                            |
| Compliance with the Commission’s<br>Rules and Regulations Governing Customer<br>Proprietary Network Information and Universal<br>Service Fund Line-Item Charges | ) | FRN: 0007350226            |
|   | ) |                            |
|   | ) |                            |

**CONSENT DECREE**

**I. INTRODUCTION**

1. The Enforcement Bureau (“the Bureau”) of the Federal Communications Commission (the “Commission” or “FCC”) and Global Information Technologies (“GIT”) hereby enter into this Consent Decree for the purpose of terminating the Bureau investigations against GIT for possible violation of section 222 of the Communications Act of 1934, as amended (“Act”),<sup>1</sup> section 64.2009(e) of the Commission’s rules,<sup>2</sup> and the Commission’s *EPIC CPNI Order* relating to the confidentiality of customer proprietary network information, and, among other things, section 254 of the Act<sup>3</sup> and section 54.712(a) of the Commission’s rules<sup>4</sup> relating to the recovery of universal service fund contributions from end-user customers.

**II. DEFINITIONS**

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
  - (b) “Adopting Order” means an Order of the Commission adopting the terms of this Consent Decree without change, addition, deletion, or modification.
  - (c) “GIT” means Global Information Technologies and its predecessors-in-interest and successors-in-interest.
  - (d) “GIT Investigation (EB-08-TC-4005)” means the investigation commenced by the Bureau’s Letter of Inquiry and Omnibus Notice of Apparent Liability For Forfeiture.<sup>5</sup>

<sup>1</sup> 47 U.S.C. § 222.

<sup>2</sup> 47 C.F.R. § 64.2009(e).

<sup>3</sup> 47 U.S.C. § 254.

<sup>4</sup> 47 C.F.R. § 54.712(a).

<sup>5</sup> See *Annual CPNI Certification*, Omnibus Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 2299, 2301 para. 4 (Enforcement Bureau 2009) (“*Omnibus NAL*”).

- (e) “GIT Investigation (EB-08-IH-0615)” means the investigation commenced by the Bureau’s March 17, 2008 Letter of Inquiry<sup>6</sup> and the Bureau’s June 10, 2008 Supplemental Letter of Inquiry to GIT.<sup>7</sup>
- (f) “Bureau” means the Enforcement Bureau of the Federal Communications Commission.
- (g) “Commission” and “FCC” mean the Federal Communications Commission and all of its bureaus and offices.
- (h) “Compliance Plan” means the program described in this Consent Decree at paragraph 11
- (i) “Effective Date” means the date on which the Commission releases the Adopting Order.
- (j) “Parties” means GIT and the Bureau.
- (k) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

### III. BACKGROUND

#### CPNI Investigation

3. Section 222 imposes the general duty on all telecommunications carriers to protect the confidentiality of their subscribers’ proprietary information.<sup>8</sup> The Commission has issued rules implementing section 222 of the Act.<sup>9</sup> The Commission required carriers to establish and maintain a

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<sup>6</sup>See Letter from Trent B. Harkrader, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, to Ginger Washburn, Chief Executive Officer, Global Information Technologies, dated March 17, 2008 (“LOI”).

<sup>7</sup> See Letter from Trent B. Harkrader, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, to Ginger Washburn, Chief Executive Officer, Global Information Technologies, dated June 10, 2008 (“Supplemental LOI”).

<sup>8</sup> Section 222 of the Communications Act, 47 U.S.C § 222, provides that: “Every telecommunications carrier has a duty to protect the confidentiality of proprietary information of, and relating to, other telecommunications carriers, equipment manufacturers, and customers, including telecommunication carriers reselling telecommunications services provided by a telecommunications carrier.” Prior to the 1996 Act, the Commission had established CPNI requirements applicable to the enhanced services operations of AT&T, the Bell Operating Companies (“BOCs”), and GTE, and the customer premises equipment (“CPE”) operations of AT&T and the BOCs, in the Computer II, Computer III, GTE Open Network Architecture (“ONA”), and BOC CPE Relief proceedings. *See Implementation of the Telecommunications Act of 1996: Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information and Implementation of Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, CC Docket Nos. 96-115 and 96-149, Second Report and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd 8061, 8068-70, para. 7 (1998) (“CPNI Order”) (describing the Commission’s privacy protections for confidential customer information in place prior to the 1996 Act.

<sup>9</sup> See CPNI Order. *See also Implementation of the Telecommunications Act of 1996: Telecommunications Carriers’ Use of Customer Proprietary Network Information and Other Customer Information and Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, CC Docket Nos. 96-115 and 96-149, Order on Reconsideration and Petitions for Forbearance, 14 FCC Rcd 14409 (1999); *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers’ Use of Customer*

system designed to ensure that carriers adequately protected their subscribers' CPNI. Section 64.2009(e) is one such requirement. In 2006, some companies, known as "data brokers," advertised the availability of records of wireless subscribers' incoming and outgoing telephone calls for a fee.<sup>10</sup> Data brokers also advertised the availability of certain landline toll calls.<sup>11</sup> On April 2, 2007, the Commission strengthened its privacy rules with the release of the *EPIC CPNI Order*,<sup>12</sup> which adopted additional safeguards to protect CPNI against unauthorized access and disclosure. The *EPIC CPNI Order* was directly responsive to the actions of databrokers, or pretexters, to obtain unauthorized access to CPNI.<sup>13</sup> The *EPIC CPNI Order* requires that all companies subject to the CPNI rules file annually, on or before March 1, a certification with the Commission pursuant to amended rule 47 C.F.R. § 64.2009(e).<sup>14</sup> Additionally, companies must now provide, with their certification, "an explanation of any actions taken against data brokers and a summary of all customer complaints received in the past year concerning the unauthorized release of CPNI."<sup>15</sup>

4. **GIT Investigation (EB-08-TC-4005)**: A number of companies failed to comply with the annual certification filing requirement and did not file compliance certifications on or before March 1, 2008, for the 2007 calendar year. GIT was one of those companies.<sup>16</sup> As a result, the Bureau sent a Letter of Inquiry to GIT and the other companies, asking them to provide copies and evidence of its annual CPNI certification filings.<sup>17</sup> GIT failed to submit satisfactory evidence of its timely filing of its annual CPNI certifications.<sup>18</sup> GIT ultimately filed its 2007 CPNI certification on September 10, 2008.<sup>19</sup> In its *Omnibus Notice of Apparent Liability for Forfeiture*, the Bureau determined that as a result of GIT's

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*Proprietary Network Information and Other Customer Information and Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended, CC Docket Nos. 96-115 and 96-149; 2000 Biennial Regulatory Review -- Review of Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Docket No. 00-257, Third Report and Order and Third Further Notice of Proposed Rulemaking, 17 FCC Rcd 14860 (2002); EPIC CPNI Order.*

<sup>10</sup> See, e.g., <http://www.epic.org/privacy/iei/>.

<sup>11</sup> See *id.*

<sup>12</sup> *EPIC CPNI Order*, 22 FCC Rcd 6927. Specifically, pursuant to section 64.2009(e): A telecommunications carrier must have an officer, as an agent of the carrier, sign and file with the Commission a compliance certificate on an annual basis. The officer must state in the certification that he or she has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. The carrier must provide a statement accompanying the certification explaining how its operating procedures ensure that it is or is not in compliance with the rules in this subpart. In addition, the carrier must include an explanation of any actions taken against data brokers and a summary of all customer complaints received in the past year concerning the unauthorized release of CPNI. This filing must be made annually with the Enforcement Bureau on or before March 1 in EB Docket No. 06-36, for data pertaining to the previous calendar year. 47 C.F.R. § 64.2009(e).

<sup>13</sup> *Id.* at 6928.

<sup>14</sup> *Id.* at 6953; 47 C.F.R. § 64.2009(e).

<sup>15</sup> *EPIC CPNI Order*, 22 FCC Rcd at 6953.

<sup>16</sup> See *Omnibus NAL*, 24 FCC Rcd at 2308, Appendix.

<sup>17</sup> See *Annual CPNI Certification*, Omnibus Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 2299, 2301 para. 4 (Enforcement Bureau 2009) ("*Omnibus NAL*").

<sup>18</sup> *Id.*

<sup>19</sup> See Letter from Thomas Lynch, Counsel for Global Information Technologies, to Marlene H. Dortch, Secretary, FCC, dated Sept. 10, 2008.

failure to file annual CPNI certifications, GIT (and the other companies) was in apparent violation of section 222 of the Act, section 64.2009(e) of the Commission's rules, and the Commission's *EPIC CPNI Order*. On March 10, 2009, GIT filed its response to the Omnibus NAL.<sup>20</sup>

### Universal Service Investigation

5. The Commission's rules require that entities providing interstate telecommunications services and certain other providers of interstate telecommunications contribute to the federal universal service fund ("USF") based upon their interstate and international end-user telecommunications revenues.<sup>21</sup> The Commission does not require contributors to recover their universal service contributions from their customers.<sup>22</sup> Instead, the Commission allows contributors to recover their universal service contributions from their customers, subject to certain requirements.<sup>23</sup> Specifically, section 54.712 of the Commission's rules provides that contribution costs passed through to end-user customers as federal universal service line-item charges may not exceed the interstate telecommunications portion of the customers' bills multiplied by the relevant contribution factor.<sup>24</sup> In addition, section 201(b) requires that all carrier charges, practices, classifications, and regulations "for and in connection with" interstate telecommunications services be just and reasonable, and gives the Commission jurisdiction to enact rules to implement that requirement.<sup>25</sup>

6. **GIT Investigation (EB-08-IH-0615)**: GIT offers interstate telecommunications services, primarily satellite services, and is subject to the requirements discussed above. On March 17, 2008, the Bureau sent a Letter of Inquiry ("LOI") to GIT inquiring about its compliance with the Commission's universal service filing and contribution rules, as well as its rules relating to the recovery from end-user customers of a common carrier's contributions to the universal service fund, the telecommunications relay service fund, the North American Numbering Plan administration, and local number portability administration.<sup>26</sup> GIT submitted a series of responses between March 25 and April 15,

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<sup>20</sup> See Letter from Thomas Lynch, Counsel for Global Information Technologies, to Marlene H. Dortch, Secretary, FCC and Marcy Green, Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau, FCC, dated Mar. 10, 2009 ("GIT Omnibus NAL Response")

<sup>21</sup> See generally 47 C.F.R. §§ 54.706 – 54.713 (outlining requirements for contributions to the federal universal service support mechanisms). See also *Federal-State Joint Board on Universal Service, 1998 Biennial Regulatory Review – Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Services, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, Administration of the North American Numbering Plan and North American Numbering Plan Cost Recovery Contribution Factor and Fund Size, Number Resource Optimization, Telephone Number Portability, Truth-in-Billing and Billing Format*, Report and Order and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 24952 (2002) ("*Interim Contribution Order*").

<sup>22</sup> See *Federal-State Board on Universal Service*, Report and Order, 12 FCC Rcd 8776, 9210-11, para. 853 (1997) (subsequent history omitted) ("*Universal Service Order*").

<sup>23</sup> *Id.*

<sup>24</sup> 47 C.F.R. § 54.712.

<sup>25</sup> 47 U.S.C. § 201(b).

<sup>26</sup> See LOI.

2008. On June 10, 2008, the Bureau sent a follow-up letter to GIT seeking additional information.<sup>27</sup> GIT submitted a response to the follow-up letter on June 20, 2008.<sup>28</sup>

#### IV. TERMS OF AGREEMENT

7. **Adopting Order.** The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order without change, addition, modification, or deletion.

8. **Jurisdiction.** GIT agrees that the Commission has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

9. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the date on which the Bureau releases the Adopting Order. Upon release, the Adopting Order and this Consent Decree shall have the same force and effect as any other Order of the Commission. Any violation of the Adopting Order or of the terms of this Consent Decree shall constitute a separate violation of a Commission Order, entitling the Bureau to exercise any rights and remedies attendant to the enforcement of a Commission Order.

10. **Termination of Investigations.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate investigations GIT Investigation (EB-08-TC-4005) and GIT Investigation (EB-08-IH-0615). In consideration for the termination of said investigations, GIT agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that, in the absence of new material evidence, the Bureau will not use the facts developed in the investigations through the Effective Date of the Consent Decree, or the existence of this Consent Decree, to institute, on its own motion, any new proceeding, formal or informal, or take any action on its own motion against GIT concerning the matters that were the subject of the investigations. The Bureau also agrees that it will not use the facts developed in these investigations through the Effective Date of this Consent Decree, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or take any action on its own motion against GIT with respect to GIT's basic qualifications, including its character qualifications, to be a Commission licensee or authorized common carrier.

11. **Compliance Plans.** For purposes of settling the matters set forth herein, GIT agrees to create, within sixty (60) calendar days from the Effective Date, internal Compliance Plans related to GIT's future compliance with the Act, the Commission's rules, and the Commission's orders governing the confidentiality of customer proprietary network information and telecommunications service providers' recovery of universal service contributions from end-user customers. The Plans will include, at a minimum, the following components:

(a) **GIT Investigation (EB-08-TC-4005) Compliance Plan:**

- a. GIT agrees to take all measures necessary to achieve full compliance with section 64.2009(e) of the Commission's rules.

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<sup>27</sup> See Supplemental LOI.

<sup>28</sup> See Letter from Thomas Lynch, Counsel for Global Information Technologies, to Michele Levy Berlove, Attorney Advisor, Investigations and hearings Division, Enforcement Bureau, FCC, dated June 20, 2008.



- b. GIT agrees that, within thirty (30) days from the Effective Date, its personnel will be trained as to when they are and are not authorized to use CPNI.
- c. GIT further agrees to have an express disciplinary process in place for the unauthorized use of CPNI within thirty (30) days from the Effective Date.
- d. Additionally, GIT agrees to submit a copy of its annual section 64.2009(e) compliance certificate, which it is required to file annually in EB Docket 06-36, for each of two (2) years following the Effective Date of this Consent Decree to the Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C244, Washington, D.C. 20554, and must include the file number listed above. GIT will also send an electronic copy of its certification to other Telecommunications Consumers Division staff as directed by the Division Chief.
- e. GIT shall report any non-compliance with this Compliance Plan to the Enforcement Bureau within 30 days after the discovery of non-compliance.
- f. This Consent Decree will expire two (2) years after the Effective Date or upon the termination of the certification requirement set forth in section 64.2009(e) of the Commission's rules, 47 C.F.R. § 64.2009(e), whichever is earlier.
- g. GIT will certify at the end of the two (2) year term that it is in compliance with the terms of the Plan. Such certification must be mailed within fifteen (15) days after the two-year anniversary of the Effective Date of this Consent Decree.

(b) **GIT Investigation (EB-08-IH-0615) Compliance Plan:**

- a. **Compliance Manual.** GIT shall create, maintain, and update an FCC Compliance Manual. GIT personnel who engage in activities related to FCC regulation of GIT will have ready access to the Compliance Manual and are to follow the procedures contained therein. The Compliance Manual will, among other things, describe the rules and requirements as they apply to GIT regarding the Universal Service Fund (USF) compliance and reporting requirements. The Compliance Manual will set forth a schedule of filing and payment dates associated with the USF. The Compliance Manual will encourage personnel to contact GIT's Designated Contact or internal regulatory legal counsel, with any questions or concerns that arise with respect to GIT's FCC compliance. GIT shall submit to the Bureau a final version of its Compliance Manual sixty (60) days after the Effective Date.
- b. **Compliance Training Program.** GIT will establish an FCC compliance training program for any employee who engages in activities related to FCC regulation of GIT. Training sessions will be conducted at least annually for such employees to ensure compliance with the Act and the FCC's regulations and policies and, for new employees who are engaged in such activities, within the first sixty (60) days of employment.
- c. **Designated Contact.** GIT will designate one employee as the point of contact for all FCC compliance matters.



- d. **Review and Monitoring.** GIT will review the FCC Compliance Manual and FCC Compliance Training Program annually to ensure that they are maintained in a proper manner and continue to address the objectives set forth therein.
- e. **Compliance Reports.** GIT will file Compliance Reports with the Commission ninety (90) days after the Effective Date, twelve (12) months after the Effective Date, and twenty-four (24) months after the Effective Date. Each Compliance Report shall include a compliance certificate from an officer, as an agent of GIT, stating that the officer has personal knowledge that GIT has established operating procedures intended to ensure compliance with this Consent Decree, together with an accompanying statement explaining the basis for the officer's compliance certification. All Compliance Reports shall be submitted to Chief, Investigations & Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 4-C320, Washington, D.C. 20554.

12. **Compliance Reporting.** All compliance reports and certifications shall be submitted to the Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554 and the Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554.

13. **Termination Date.** Unless stated otherwise, the requirements of this Consent Decree will expire twenty-four (24) months after the Effective Date or, with respect to those requirements pertaining to the resolution of the CPNI investigation (EB-08-TC-4005), upon the termination of the opt-out requirements set forth in sections 64.2001-2009 of the Commission's rules, 47 C.F.R. §§ 64.2001-2009, whichever is earlier.

14. **Section 208 Complaints; Subsequent Investigations.** Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints filed pursuant to section 208 of the Act against GIT for alleged violations of the Act, or for any other type of alleged misconduct, regardless of when such misconduct took place. The Commission's adjudication of any such complaint will be based solely on the record developed in that proceeding. Except as expressly provided in this Consent Decree, this Consent Decree shall not prevent the Commission from investigating new evidence of noncompliance by GIT of the Act, the rules, or the Adopting Order.

15. **Voluntary Contribution.** GIT agrees that it will make a voluntary contribution to the United States Treasury in the amount of twenty-three thousand five hundred dollars (\$23,500) paid out in monthly installments to be completed within two years of the Effective Date of this Consent Decree. The payments must be made by check or similar instrument, payable to the Order of the Federal Communications Commission. The payment must include the Account Number and FRN Number referenced in the caption to the Adopting Order. Payment by check or money Order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payments by wire transfer may be made to ABA Number 021030004, receiving bank Federal Reserve Bank of New York, and account number 27000001. GIT will also send electronic notification on the date said payment is made to Mika Savir at [Mika.Savir@fcc.gov](mailto:Mika.Savir@fcc.gov) and to Pam Slipakoff at [Pam.Slipakoff@fcc.gov](mailto:Pam.Slipakoff@fcc.gov).

16. **Notification.** GIT also agrees to post a notice on its website, until termination of this Consent Decree pursuant to the terms of paragraph 13 above, stating: "If you were a customer between January 2005 and June 2008, it is possible we may have collected Universal Service funds from you that were higher than we were required to pay. If you would like us to check your account, please contact us at

Service@gitsat.com.” GIT will place a link to this notice, entitled “GIT Notices” on the homepage of its website at www.gitsat.com. To the extent that GIT issues refunds to customers or former customers as a result of this notice and provides to the Bureau sufficient documentation of such refunds, the amount of the voluntary contribution set forth in paragraph 15 remaining due during months 13 through 24 of the payment period shall be reduced by the amount refunded.

17. **Waivers.** GIT waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided the Commission issues an Order adopting the Consent Decree without change, addition, modification, or deletion. GIT shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither GIT nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and GIT shall waive any statutory right to a trial *de novo*. GIT hereby agrees to waive any claims they may otherwise have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree.

18. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which GIT does not expressly consent) that provision will be superseded by such Commission rule or order.

19. **Successors and Assigns.** GIT agrees that the provisions of this Consent Decree shall be binding on their successors, assigns, and transferees.

20. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties. The Parties further agree that this Consent Decree does not constitute either an admission of liability, an admission of noncompliance, an adjudication on the merits, or a factual or legal finding or determination regarding any compliance or noncompliance with the requirements of the Act or the Commission’s Rules and Orders.

21. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

22. **Paragraph Headings.** The headings of the Paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

23. **Authorized Representative.** Each party represents and warrants to the other that it has full power and authority to enter into this Consent Decree.

24. **Counterparts.** This Consent Decree may be signed in any number of counterparts (including by facsimile), each of which, when executed and delivered, shall be an original, and all of which counterparts together shall constitute one and the same fully executed instrument.

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P. Michele Ellison  
Chief, Enforcement Bureau  
Federal Communications Commission

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Ginger Washburn  
President  
Global Information Technologies

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Date

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Date