



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA No. 11-1908

Report No. TEL-01529

Thursday November 17, 2011

International Authorizations Granted

Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) Requests

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the 25 percent foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b)(4).

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see Section 1.4(b)(2)).

An updated version of Sections 63.09–.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>.

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

Petition for Declaratory Ruling

Grant of Authority

Date of Action: 10/28/2011

ITC Global USA, LLC (ITC USA or Petitioner) requests a declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), that it would serve the public interest to allow indirect foreign ownership in excess of the 25 percent benchmark set forth in section 310(b)(4). ITC USA filed its petition in connection with an application for consent to assign a common carrier VSAT license from Broadpoint License Co., LLC to ITC USA. See SES-ASG-20110609-00698.

According to Petitioner, ITC USA is a Florida limited liability company 100% owned by ITC Global, Inc. (ITC Global), a Delaware corporation.

ITC Global is 30.3% foreign owned by the following: SeaSpin Pty, Ltd., Aphrodite Trust A/C, an Australian entity (16.7%), CRH Telnet, an Australian entity (0.2%), Simon Bull, a citizen of the United Kingdom (4.8%) and, Christopher R. Hill, a citizen of Australia (8.6%). SeaSpin Pty, Ltd., Aphrodite Trust A/C is 100% owned by Charles Morgan, a citizen of Australia. The controlling interest in CRH Telnet is held by Christopher R. Hill. Australia and the United Kingdom are both World Trade Organization (WTO) Member countries. The remaining ownership interests in ITC are held by individuals and entities with U.S. citizenship. Mr. Joseph A. Spytek, a U.S. citizen, owns a 10% interest in ITC Global, is the President of ITC Global and ITC USA and controls and manages the day-to-day operations of both entities. Thus, according to Petitioner, Mr. Spytek has de facto control of ITC USA. Petitioner states that the foreign individuals will not have any involvement in the management of ITC USA, nor hold officer positions or serve on the board of directors.

Pursuant to the rules and policies established by the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), we find that the public interest will be served by permitting the indirect foreign ownership of ITC USA in excess of the 25 percent benchmark of section 310(b)(4) of the Communications Act. Specifically, this ruling permits the 30.3% indirect foreign ownership of ITC USA as a result of the foreign ownership of ITC Global by SeaSpin Pty, Ltd., Aphrodite Trust A/C (16.7%), CRH Telnet (0.2%), Simon Bull (4.8%) and, Christopher R. Hill (8.6%), subject to the following conditions: (1) ITC USA may accept up to and including an additional, aggregate indirect 25% equity and/or voting interests from the named foreign shareholders of ITC Global and from new foreign investors, subject to the condition that ITC USA obtain prior Commission approval under section 310(b)(4) before any foreign individual or entity acquires, directly or indirectly, an equity and/or voting interest that exceeds 25%; and (2) ITC USA shall obtain prior Commission approval before ITC USA's indirect equity and/or voting interests from non-WTO Member countries (including interests from unknown countries) exceeds 25 percent.

Petition for Declaratory Ruling
Grant of Authority

Date of Action: 11/16/2011

Green Eagle Communications, Inc. (Green Eagle Communications or "Petitioner") requests a declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), that it will serve the public interest to allow indirect foreign ownership in its wholly-owned subsidiary, Green Eagle Networks Inc. (Green Eagle Networks), in excess of the 25 percent benchmark set forth in section 310(b)(4). Green Eagle filed its petition in connection with an application to assign two Personal Communications Service (PCS) licenses to Green Eagle Networks for the provision of service in the geographic areas of Scottsbluff, Nebraska and eastern Wyoming. See ULS File No. 0004759579.

Green Eagle Communications and Green Eagle Networks are Delaware corporations. Foreign individuals hold 70% of the ultimate ownership of the equity and voting interests of Green Eagle Communications. These interests are held through the following Becker Family entities: (1) Becker Capital Management, LLC (BCM) (13.22%), (2) GAH Investments LLC (GAH) (19.67%), (3) KDSL Investments LLC (KDSL) (12.13%), (4) Man Prince Holdings (Man Prince) (20%), and (5) Man Prince Holdings 2 (Man Prince 2)(4.98%). The remaining 30 percent equity and voting interests of Green Eagle Communications are held by CEM & Associates, a Colorado limited liability company, wholly-owned and controlled by Charles Miller, a U.S. citizen.

BCM is a Colorado limited liability holding company, managed and controlled by Larry L. Becker, a citizen of Canada, a World Trade Organization (WTO) Member country. The sole member of BCM is the LLB/GB Family Trust, an entity organized in the Cook Islands, a non-WTO-member country. The beneficiaries of LLB/GB are all Canadian citizens and members of the Becker family: Larry L. Becker, Gayle Becker and their children, Laryssa Becker, Sarena Becker, Dyanna Becker and Kyle Becker. The trustee of LLB/GB is Cook Islands Trust Ltd. which is 100% owned by the Cook Islands Trust Corporation Ltd., both organized in the Cook Islands. The Cook Islands Trust Corporation Ltd. is 100% owned by CITL Holding Company Ltd., which is incorporated and doing business in the Cook Islands and 99.99% owned by Pi Limited and .01% owned by Bret Gibson. Pi Limited is organized in the Republic of the Seychelles a non-WTO member country as a holding company and engages in no other business. Pi Limited is 100% owned by Samyak Veera, a citizen of St. Kitts and Nevis, a WTO-member country. Bret Gibson is a citizen of New Zealand, a WTO-member country.

GAH is a Colorado limited liability holding company, wholly-owned and controlled by Gayle Becker.

KDSL is a Colorado limited liability holding company, controlled and owned by Laryssa Becker, Sarena Becker, Dyanna Becker and Kyle Becker

Man Prince and Man Prince 2 are entities organized under the laws of Canada and are each controlled and wholly owned by Lorn Becker, a Canadian citizen.

Pursuant to the rules and policies established by the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), we find that the public interest will be served by permitting the indirect foreign ownership of Green Eagle Networks in excess of the 25 percent benchmark in section 310(b)(4) of the Act. Specifically, this ruling permits the indirect foreign ownership of Green Eagle Networks as foreign equity and/or voting interests held in Green Eagle Communications by the foreign individual and entities named herein (in aggregate holding interests of up to 70% total) subject to the following conditions: (1) Green Eagle Networks may accept up to and including an additional, aggregate indirect 25% equity and/or voting interests from the named foreign shareholders of Green Eagle Communication and from new foreign investors, subject to the condition that Green Eagle Networks obtain prior Commission approval under section 310(b)(4) before any foreign individual or entity acquires, directly or indirectly, an equity and/or voting interest that exceeds 25%; and (2) Green Eagle Networks shall obtain prior Commission approval before Green Eagle Network's indirect equity and/or voting interests from non-WTO Member countries (including interests from unknown countries) exceeds 25 percent.

We condition this grant on Green Eagle Communications, Inc. abiding by the commitments agreed to by Telemetrix Inc. in its July 24, 2006 Letter of Assurances to the United States Department of Justice, United States Department of Homeland Security and Federal Bureau of Investigation. A copy of the Letter of Assurances is publicly available and may be viewed on the FCC web-site through the International Bureau Filing System (IBFS) by searching for ISP-PDR-20110610-00006 and accessing "Other filings related to this application" from the Document Viewing area.

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority

Date of Action: 11/07/2011

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Grant of Authority

Date of Action: 11/14/2011

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

ITC-214-20111013-00325 E all world communications inc
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 11/11/2011

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

ITC-214-20111014-00326 E Voyager Communications LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action: 11/11/2011

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

ITC-214-20111025-00324 E AT Conference Inc.
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 11/11/2011

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

ITC-ASG-20110609-00165 E ITC Global USA, LLC
Assignment
Grant of Authority Date of Action: 10/28/2011

Current Licensee: Broadpoint License Co., LLC

FROM: Broadpoint License Co., LLC

TO: ITC Global USA, LLC

Application for consent to the partial assignment of assets held by Broadpoint License Co., LLC (Broadpoint) to ITC Global USA, LLC (ITC USA). Pursuant to the terms of an Asset Purchase Agreement executed on April 15, 2011, certain assets held by Broadpoint that are used to operate a satellite communications network in the Gulf of Mexico will be transferred from Broadpoint to ITC USA. Broadpoint will continue providing international services to its remaining customers pursuant to its existing international 214 authorization, ITC-214-19980226-00151 (ITC-98-189). ITC USA will provide international service to its newly acquired customers pursuant to ITC-214-20110609-00184.

ITC USA is a wholly-owned subsidiary of ITC Global Inc. (ITC Global). The following entities and individuals hold 10 percent or greater equity and voting interests in ITC Global: Fine Spotted Partners, LLC (100% member Michael Monier, U.S. citizen) (18.59%); SeaSpin Pty, Ltd. Aphrodite Trust A/C, an Australian entity (100% owned by Charles Morgan, an Australian citizen) (16.70%); Joseph A. Spytek, U.S. citizen (10%). Mr. Spytek is the President of ITC Global and ITC USA, controls and manages the day-to-day operations of both entities and, as such, has de facto control of ITC USA. No other entity or individual holds a 10 percent or greater direct or indirect ownership interest in ITC Global or ITC USA.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

ITC-T/C-20111006-00320 E

360networks holdings (USA) inc.

Transfer of Control

Grant of Authority

Date of Action: 11/11/2011

Current Licensee: 360networks holdings (USA) inc.

FROM: 360networks Corporation

TO: Zayo Group, LLC

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-20010117-00029, held by 360networks holdings (USA) inc. (360-holdings), from 360networks Corporation (360-Parent) to Zayo Group, LLC (Zayo). Pursuant to the terms of a stock purchase agreement dated October 6, 2011, Zayo will purchase all of the outstanding shares of 360-holdings. Immediately prior to the transaction, the intermediate subsidiaries between 360-Parent and 360-holdings will undergo a pro forma amalgamation resulting in 360-holdings becoming a direct subsidiary of 360-Parent. Upon closing 360-holdings will become a wholly owned direct subsidiary of Zayo.

Zayo is a wholly-owned subsidiary of Zayo Group Holdings, Inc., which in turn is a wholly owned subsidiary of Communications Infrastructure Investments, LLC (CII). The following four partnerships each hold an interest in CII: Oak Investment Partners XII, LP (19.24%) (General Partner: Oak Associates XII, LLC, executive managing members: Bandel L. Carano, Edward F. Glassmeyer, Ann H. Lamont, Fredric W. Harman); Charlesbank Equity Fund VI, LP (17.14%) (General Partner: Charlesbank Equity Fund VI GP, Limited Partnership (General Partner: Charlesbank Capital Partners, LLC, managing members: Michael Eisenson, Tim Palmer, Kim Davis, Mark Rosen, Michael Choe, Brandon White, Jon Biott, Andrew Janower, Michael Thonis)); M/C Venture Partners VI, LP (16.29%) (General Partner: M/C Venture Partners, LLC, managing members: James F. Wade, David D. Croll, Matthew Rubins, John Watkins, John Van Hooser); and Columbia Capital Equity Partners IV (QP), LP (14.85%) (General Partner: Columbia Capital IV, LLC, managing members: James B. Fleming, Jr., R. Philip Herget, III, Harry F. Hopper III).

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

Dismissal

ITC-214-20090527-00249

Verson Studio

Application hereby dismissed by Chief, Policy Division, International Bureau on June 29, 2011, pursuant to sections 1.65, 1.748(a) and 63.51(b) of the Commission's rules, 47 CFR 1.65, 1.748(a), 63.51(b), for failure to furnish to the Commission, information of decisional significance regarding the applicant. This dismissal is without prejudice to re-filing the application in accordance with the Commission's rules.

SURRENDER

ITC-214-19970130-00048

Telco Partners, Inc

By letter filed September 1, 2011, Applicant notified the Commission of the Surrender of its international section 214 authorization.

ITC-214-20010129-00041

NTC NETWORK, LLC

By letter filed November 14, 2011, Applicant notified the Commission of the Surrender of its international section 214 authorization.

ITC-214-20010129-00042

WILSHIRE CONNECTION, LLC

By letter filed November 14, 2011, Applicant notified the Commission of the Surrender of its international section 214 authorization.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is attached to this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>. It also will be attached to each Public Notice that grants international Section 214 authority.

(2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.

(3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.

(4) Carriers shall comply with the Commission's International Settlements Policy and associated filing requirements contained in Sections 43.51, 64.1001 and 64.1002 of the Commission's Rules, 47 C.F.R. §§ 43.51, 64.1001, 64.1002. The Commission modified these requirements most recently in International Settlements Policy Reform: International Settlement Rates, First Report and Order, FCC 04-53, 19 FCC Rcd 5709 (2004). In addition, any carrier interconnecting private lines to the U.S. public switched network at its switch, including any switch in which the carrier obtains capacity either through lease or otherwise, shall file annually with the Chief, International Bureau, a certified statement containing, on a country-specific basis, the number and type (e.g., 64 kbps circuits) of private lines interconnected in such manner. The Commission will treat the country of origin information as confidential. Carriers need not file their contracts for interconnection unless the Commission specifically requests. Carriers shall file their annual report on February 1 (covering international private lines interconnected during the preceding January 1 to December 31 period) of each year. International private lines to countries which the Commission has exempted from the International Settlements Policy at any time during a particular reporting period are exempt from this requirement. See 47 C.F.R. § 43.51(d). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at http://www.fcc.gov/ib/pd/pf/isp_exempt.html.

(5) Carriers authorized to provide private line service either on a facilities or resale basis are limited to the provision of such private line service only between the United States and those foreign points covered by their referenced applications for Section 214 authority. A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 C.F.R. § 63.23(d).

(6) A carrier may engage in "switched hubbing" to countries that do not appear on the Commission's list of U.S. international routes that are exempt from the International Settlements Policy, set forth in Section 64.1002, 47 C.F.R. § 64.1002, provided the carrier complies with the requirements of Section 63.17(b) of the rules, 47 C.F.R. § 63.17(b). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at http://www.fcc.gov/ib/pd/pf/isp_exempt.html.

(7) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.

(8) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.

(9) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a). Carriers shall also file the quarterly reports required by Section 43.61 in the circumstances specified in paragraphs (b) and (c) of

that Section.

(10) Carriers shall file annual reports of circuit status and/or circuit additions in accordance with the requirements set forth in Rules for Filing of International Circuit Status Reports, CC Docket No. 93-157, Report and Order, 10 FCC Rcd 8605 (1995). See 47 C.F.R. § 43.82. See also §§ 63.22(e), 63.23(e). These requirements apply to facilities-based carriers and private line resellers, respectively. See also <http://www.fcc.gov/ib/pd/pf/csmanual.html>.

(11) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. Further, the grant of these applications shall not be construed to include authorization for the transmission of money in connection with the services the applicants have been given authority to provide. The transmission of money is not considered to be a common carrier service.

(12) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(13) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.

(14) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). In addition, the facilities listed shall not be used by U.S. carriers authorized under Section 63.18 of the Commission's Rules unless the carrier's Section 214 authorization specifically lists the facility. Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See 47 C.F.R. § 63.22(c).

Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice, DA 10-112, dated January 21, 2010, "Modification of Process to Accept Applications for Service to Cuba and Related Matters.")

Facilities:

All non-U.S.-licensed satellite systems that are not on the Permitted Space Station List, maintained at <http://www.fcc.gov/ib/sd/se/permitted.html>. See International Bureau Public Notice, DA 99-2844 (rel. Dec. 17, 1999).

This list is subject to change by the Commission when the public interest requires. Before amending the list, the Commission will first issue a public notice giving affected parties the opportunity for comment and hearing on the proposed changes. The Commission may then release an order amending the exclusion list. This list also is subject to change upon issuance of an Executive Order. See Streamlining the Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, FCC 96-79, 11 FCC Rcd 12,884, released March 13, 1996 (61 Fed. Reg. 15,724, April 9, 1996). A current version of this list is maintained at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>.

For additional information, contact the International Bureau's Policy Division, (202) 418-1460.