

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

In the Matter of)	File No.: EB-09-IH-2125
)	
One World Telecom, LLC)	Acct. No.: 201332080003
)	
)	FRN: 0010219624

ORDER

Adopted: December 3, 2012

Released: December 4, 2012

By the Chief, Enforcement Bureau:

1. In this Order, we adopt a Consent Decree entered into between the Enforcement Bureau (Bureau) and One World Telecom, LLC (One World Telecom). The Consent Decree terminates an investigation by the Bureau against One World Telecom for possible violations of Section 214 of the Communications Act of 1934, as amended (Act)¹ and Sections 63.03, 63.04, 63.18, and 63.24 of the Commission's rules² in connection with One World Telecom's transfer of control or assignment of multiple domestic and international Section 214 authorizations. The Consent Decree also addresses One World Telecom's possible failure to timely respond to the Bureau's directive that One World Telecom provide certain information and documents in connection with the investigation.

2. A copy of the Consent Decree negotiated by the Bureau and One World Telecom is attached hereto and incorporated herein by reference.

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

4. In the absence of material new evidence relating to this matter, we conclude that our investigation raises no substantial or material questions of fact as to whether One World Telecom possesses the basic qualifications, including those related to character, to hold or obtain any Commission license or authority.

5. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) of the Act³ and Sections 0.111 and 0.311 of the Commission's rules,⁴ the Consent Decree attached to this Order **IS ADOPTED**.

¹ 47 U.S.C. § 214.

² 47 C.F.R. §§ 63.03, 63.04, 63.18, 63.24.

³ 47 U.S.C. § 154(i).

⁴ 47 C.F.R. §§ 0.111, 0.311.

6. **IT IS FURTHER ORDERED** that the above-captioned investigation **IS 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, to Mr. Steven A. Augustino, Kelley Drye & Warren LLP, 3050 K Street, NW, Suite 400, Washington, DC 20007-5108.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison
Chief
Enforcement Bureau

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

In the Matter of)	File No.: EB-09-IH-2125
)	
One World Telecom, LLC)	Acct. No.: 201332080003
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)	FRN: 0010219624

CONSENT DECREE

1. The Enforcement Bureau of the Federal Communications Commission and One World Telecom, LLC by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Enforcement Bureau's investigation into whether One World Telecom, LLC violated Section 214 of the Communications Act of 1934, as amended¹ and Sections 63.03, 63.04, 63.18, and 63.24 of the Commission's rules² in connection with One World Telecom's transfer of control or assignment of domestic and international Section 214 authorizations. This Consent Decree also addresses One World Telecom's possible failure to timely respond to the Enforcement Bureau's directive that One World Telecom provide certain information and documents in connection with the investigation.

I. 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 Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.
 - (d) "Commission" and "FCC" mean the Federal Communications Commission and all of its bureaus and offices.
 - (e) "Communications Laws" means collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which One World Telecom is subject by virtue of its business activities.
 - (f) "Compliance Plan" means the plan described in this Consent Decree at paragraph 20.
 - (g) "Covered Employees" means all employees and agents of One World Telecom who perform, or supervise, oversee, or manage the performance of, duties that relate to One World Telecom's responsibilities under Section 214 of the Act, the Rules

¹ 47 U.S.C. § 214.

² 47 C.F.R. §§ 63.03, 63.04, 63.18, 63.24.

implementing that provision, and One World Telecom's duty to timely respond to Commission requests for information.

- (h) "Effective Date" means the date on which the Commission releases the Adopting Order.
- (i) "One World Telecom" or the "Company" means One World Telecom, LLC, and its predecessors-in-interest and successors-in-interest.
- (j) "Information request" means an order, letter, or other document requiring that One World Telecom provide information, documents, or both information and documents to the Commission.
- (k) "Investigation" means the investigation commenced by the Bureau regarding the Company's compliance with Section 214 of the Act and Part 63 of the Rules³ concerning One World Telecom's obligations to obtain Commission approval before consummating substantial assignments and transfers of domestic and international Section 214 authority, timely notify the Commission of the consummation of *pro forma* international Section 214 authority transactions, and timely respond to the Bureau's requests for information.
- (l) "Operating Procedures" means the standard, internal operating procedures and compliance policies established by One World Telecom to implement the Compliance Plan.
- (m) "Parties" means One World Telecom and the Bureau, each of which is a "Party."
- (n) "Rules" means the Commission's regulations found in Title 47 of the Code of Federal Regulations.
- (o) "Section 214 Rules" means Section 214 of the Act and other Communications Laws governing the construction, acquisition, or operation of lines of communication, including any Rules implementing Section 214 and any related Commission orders.

II. BACKGROUND

3. Section 214 of the Act requires telecommunications carriers to obtain a certificate of public convenience and necessity from the Commission before constructing, acquiring, operating, or engaging in transmission over lines of communications, and before discontinuing, reducing, or impairing service to a community.⁴ In accordance with Sections 63.03 and 63.24 of the Rules, any "substantial" transfer of control of a carrier's lines or of Section 214 authority requires application to and prior

³ 47 U.S.C. § 214; 47 C.F.R. Part 63.

⁴ See 47 U.S.C. § 214(a). The Commission granted all carriers blanket authority under Section 214 to provide domestic interstate services and to construct or operate any domestic transmission line. *Implementation of Section 402(b)(2)(A) of the Telecomm. Act of 1996*, Report and Order in CC Docket No. 97-11, Second Memorandum Opinion and Order in AAD File No. 98-43, 14 FCC Rcd 11364, 11365-66, para. 2 (1999) (*Section 402 Implementation Order*); 47 C.F.R. § 63.01. This authority does not extend to the provision of international services. See *id.*

approval from the Commission.⁵ Sections 63.04 and 63.18 of the Rules set forth the information that must be included in the domestic and international transfer of control applications.⁶

4. “Non-substantial” (or “*pro forma*”) transfers of a carrier’s lines or Section 214 authority do not require Commission approval prior to consummation.⁷ A carrier that consummates a *pro forma* international Section 214 transaction, however, must provide notice of that transaction to the Commission no later than 30 days after consummation.⁸ This notification requirement generally does not extend to *pro forma* domestic Section 214 transactions.⁹

5. It is well established that the Commission has authority to request information from an entity subject to its jurisdiction and that any entity receiving such a request must provide a timely and complete response.¹⁰ Sections 4(i), 218, and 403 of the Act give the Commission broad power to compel carriers to provide the requested information.¹¹ It is an essential part of the Commission’s work in discharging its responsibilities pursuant to the Act to request and receive information from the entities that it regulates. Commission requests for information should be treated in the same manner as a Commission order.¹²

6. One World Telecom is a Florida limited liability company that provides interstate and international prepaid telecommunications services.¹³

⁵ 47 C.F.R. §§ 63.03; 63.24. A transfer of control of domestic lines or of a domestic Section 214 authority is considered “substantial” if it results in a change in ultimate ownership or control of those lines or that authority. *See* 47 C.F.R. § 63.03(d). A transfer of control of international lines or of an international Section 214 authority is considered “substantial” if it results in a change in the actual controlling party of those lines or that authority. 47 C.F.R. § 63.24(a). For simplicity, this Consent Decree uses the phrase “change in ultimate control” to refer to both domestic and international substantial transfers of control.

⁶ *See* 47 C.F.R. §§ 63.04, 63.18.

⁷ *See* 47 C.F.R. §§ 63.03(d); 63.24(f).

⁸ 47 C.F.R. § 63.24(f).

⁹ 47 C.F.R. § 63.03(d)(1). Notification must be given of *pro forma* transfers of control of domestic Section 214 authority that are consummated as part of a bankruptcy proceeding. *See* 47 C.F.R. § 63.03(d)(2).

¹⁰ *See, e.g., Google Inc.*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 4012, 4030, para. 12 (Enf. Bur. 2012) (proposing forfeiture for failure to timely comply with Bureau information and document requests); *International Telecom Exchange, Inc.*, Order of Forfeiture, 22 FCC Rcd 13691, 13693–94, paras. 8–9 (Enf. Bur. 2007) (imposing forfeiture on common carrier that responded to the Bureau’s letter of inquiry eight months late and only after repeated requests from staff).

¹¹ 47 U.S.C. §§ 154(i), 218, 403.

¹² *See, e.g., LDC Telecomm., Inc.*, Notice of Apparent Liability for Forfeiture and Order, 27 FCC Rcd 300, 301, para. 5 (Enf. Bur. 2012) (holding that “[t]he Bureau’s Letter of Inquiry directed to LDC was a legal order of the Commission requiring LDC to produce the requested documents and information,” and that “LDC’s failure to provide the documents and information sought within the time and manner specified constitute[d] a violation of a Commission order”).

¹³ *See* One World Telecom, LLC, Joint Domestic and International Application, Application for Consent to Transfer Control of a Company Holding Blanket Domestic Section 214 Authority and Section 214 International Authorization Pursuant to Section 214 of the Communications Act of 1934, as amended, WC Docket No. 12-65, IBFS File No. ITC-ASG-20120301-00068, at 2 (filed Mar. 1, 2012) (on file in EB-09-IH-2125) (*One World Telecom Domestic and Int’l Sec. 214 Applications*).

A. One World Telecom's Transactions with One World Telecom, Inc.

7. On February 13, 2004, the Commission granted international Section 214 authority to One World Telecom, Inc. (OWTI), a company wholly owned by Laurent Lamothe.¹⁴ At that time, OWTI also obtained blanket domestic Section 214 authority by operation of the Rules.¹⁵ On January 1, 2006, One World Telecom, OWTI, and Business Telecommunications Services, Inc. (BTS) consummated a series of transactions that resulted in a substantial transfer of control and assignment of the domestic and international Section 214 authorizations held by OWTI. After the various transactions were consummated, One World Telecom held these domestic and international Section 214 authorizations, and was indirectly controlled in equal 25 percent shares by Laurent Lamothe, Patrice Baker, Rafael Olloqui, and Ricardo Olloqui.¹⁶ One World Telecom, OWTI, and BTS did not seek Commission approval prior to consummating these transactions.

8. Beginning in December 2011, One World Telecom filed a series of applications to rectify its prior failure to obtain Commission consent to the substantial transfers of control described above. These included:

- An August 12, 2011 request for Special Temporary Authority (STA) to continue providing international common carrier service,¹⁷ which the Commission's International Bureau granted on August 23, 2011;¹⁸
- A March 1, 2012 application for an STA to continue providing domestic telecommunications service,¹⁹ which the Commission's Wireline Competition Bureau granted on March 15, 2012;²⁰ and
- A March 1, 2012 application for Commission consent to the transfer of control of domestic Section 214 authority and for the assignment of international Section 214 authority from OWTI to One World Telecom,²¹ which the Wireline Competition Bureau granted on April

¹⁴ See International Bureau Filing System (IBFS) File No.: ITC-214-20040116-00018 at Attachment to Response to Question 14 (filed Jan. 16, 2004); *International Authorizations Granted – Section 214 Applications* (47 C.F.R. § 63.18); *Cable Landing License Applications* (47 C.F.R. § 1.767); *Requests to Authorize Switched Services over Private Lines* (47 C.F.R. § 63.16); *Section 310(b)(4) Requests*, Public Notice, Report No. TEL-00761, 19 FCC Rcd 2795, 2796 (Int'l Bur. 2004)(announcing application grant of IBFS File No.: ITC-214-20040116-00018).

¹⁵ See 47 C.F.R. § 63.01 (2004); see also *Section 402 Implementation Order*, *supra* note 4.

¹⁶ See *One World Telecom Domestic and Int'l Sec. 214 Applications* at 4.

¹⁷ See International Bureau Filing System (IBFS) File No.: ITC-STA-20110812-00262 (filed Aug. 12, 2011) (*One World Telecom/OWTI Int'l STA Application*).

¹⁸ See File No.: ITC-STA-20110812-00262.

¹⁹ See One World Telecom, LLC, Application for Consent to Transfer Control of a Company Holding Blanket Domestic Section 214 Authority and Section 214 International Authorization Pursuant to Section 214 of the Communications Act of 1934, As Amended, Request for Special Temporary Authority (Domestic) (filed Mar. 1, 2012) (*One World Telecom/OWTI Domestic STA Application*) (on file in EB-09-IH-2125).

²⁰ See *Notice of Non-Streamlined Domestic Section 214 Application Granted*, WC Docket No. 12-65, Public Notice, 27 FCC Rcd 4053, 4053 n.1 (Wireline Comp. Bur. 2012) (*Domestic Authorization Public Notice*) (referencing prior STA grant in the context of granting One World Telecom's application for the transfer of control of domestic Section 214 authority from OWTI to One World Telecom).

²¹ See *One World Telecom Domestic and Int'l Sec. 214 Applications*, *supra* note 13.

16, 2012,²² and the International Bureau granted on March 30, 2012.²³

These grants were without prejudice to any enforcement action the Commission might take to address the unauthorized transfers of control and assignments.²⁴

B. One World Telecom, LLC's Transaction with NexUStel, LLC

9. In August 2009, NexUStel, LLC (NexUStel), which had operated as prepaid calling card provider reselling international telecommunications services,²⁵ found itself without sufficient capital to continue operating or enough time to provide its customers with the minimum 30-day advance notice of discontinuance that the Rules require.²⁶ In order to avoid having NexUStel's customers lose the amounts they had already paid for international calling cards, NexUStel and One World Telecom agreed that One World Telecom would honor the remaining balances on those calling cards.²⁷ In accordance with this arrangement, One World Telecom and NexUStel made technical arrangements to route calls that were made to NexUStel's access number to One World Telecom's facilities.²⁸ One World Telecom thereafter honored NexUStel's international prepaid calling cards and on August 12, 2009, NexUStel ceased operations.²⁹

10. One World Telecom and NexUStel did not seek Commission approval for this arrangement. During the course of the Investigation, One World Telecom agreed to submit an application

²² See *Domestic Authorization Public Notice*, 27 FCC Rcd at 4053.

²³ See *International Authorization Public Notice*, 27 FCC Rcd at 3284.

²⁴ See *Domestic Authorization Public Notice*, 27 FCC Rcd at 4053 n.1; *International Authorization Public Notice*, 27 FCC Rcd at 3284.

²⁵ See *Application for the Consent to Assign Assets from NexUStel, LLC, a Company Holding International Section 214 Authorization Pursuant to Section 214 of the Communications Act of 1934, as amended, to One World Telecom, LLC*, IBFS File No. ITC-ASG-20110812-00261, at 1 (filed Aug. 12, 2011) (on file in EB-09-IH-2125) (*NexUStel-One World Telecom Assignment Application*). NexUStel held international Section 214 operating authority, which it had been granted on May 9, 2008. See *International Authorizations Granted – Section 214 Applications (47 C.F.R. § 63.18)*; *Section 310(b)(4) Requests*, Public Notice, Report No. TEL-01269, 23 FCC Rcd 7890, 7891 (Int'l Bur. 2008).

²⁶ See Declaration of Jorge Asecio, Former President, NexUStel, LLC, and Nexitos, LLC, at paras. 6-7 (*Asecio Declaration*), attachment to Letter from Steven A. Augustino, Kelley Drye & Warren LLP, Counsel to One World Telecom, LLC, to Robert Krinsky, Attorney Advisor, Investigations and Hearings Div., FCC Enforcement Bureau, (filed Mar. 29, 2010) (on file in EB-09-IH-2125) (*LOI Response*); *Id.*, Declaration of Gilbert Pasquet, Former President, One World Telecom, LLC, at para. 6 (*Pasquet Declaration*), attachment to *LOI Response*. The Rules for discontinuance of international services require the carrier to notify all affected customers at least 30 days prior to the planned action. See 47 C.F.R. § 63.19(a)(1).

²⁷ See *LOI Response* at 4; *Asecio Declaration* at paras. 6-7; *Pasquet Declaration* at para. 6.

²⁸ See *Asecio Declaration* at para. 9; *Pasquet Declaration* para. 5.

²⁹ See *LOI Response* at 4; *Asecio Declaration* at para. 10; *Pasquet Declaration* at para. 5; Letter from Steven A. Augustino, Kelley Drye & Warren LLP, Counsel to One World Telecom, LLC, to Robert Krinsky, Attorney Advisor, Investigations and Hearings Div., FCC Enforcement Bureau (Nov. 15, 2010) at 1 (on file in EB-09-IH-2125) (*One World Telecom Nov. 15, 2010 Letter*).

for consent to the assignment of the customer accounts from NexUStel. One World Telecom submitted this application on August 12, 2011.³⁰ On March 20, 2012, the International Bureau granted it.³¹

C. One World Telecom's *Pro Forma* International Section 214 Transactions

11. On January 1, 2010, and January 1, 2011, One World Telecom consummated two separate *pro forma* international Section 214 transfers of control. One World Telecom did not notify the Commission within 30 days of consummation of either of these transactions, as the Rules require.³²

12. Effective January 1, 2010, OWTI transferred its 50 percent ownership interest in One World Telecom to Contact Communications, LLC (Contact), a Florida limited liability company, which had the same ownership as OWTI.³³ Following this transaction, Contact and BTS each owned a 50 percent interest in One World Telecom.³⁴ This transaction did not change ultimate ownership of One World Telecom.³⁵ The Rules required One World Telecom to notify the Commission of this *pro forma* international Section 214 transaction by January 31, 2010,³⁶ but the Company did not do so until March 1, 2012.³⁷

13. Effective January 1, 2011, Contact then transferred its 50 percent interest in One World Telecom to Telco Equipment & Support Services, Inc. (TESS), a Florida corporation, which had the same ownership as Contact.³⁸ As a result of this transaction, TESS and BTS held direct ownership of One World Telecom in equal 50 percent shares.³⁹ This transaction did not change ultimate ownership of One World Telecom.⁴⁰ The Rules required One World Telecom to notify the Commission of this *pro forma*

³⁰ See *NexUStel-One World Telecom Assignment Application*, *supra* note 25.

³¹ *International Authorization Public Notice*, 27 FCC Rcd at 3283.

³² 47 C.F.R. § 63.24(f).

³³ See Letter from Steven A. Augustino and Winifred R. Brantl, Counsel for One World Telecom LLC, Kelley Drye & Warren LLP, to Marlene H. Dortch, Secretary, FCC (Mar. 1, 2012) at 2 *attachment to* IBFS File No.: ITC-T/C-20120301-00069 (*Contact Communications Transaction Letter*).

³⁴ *Id.*

³⁵ *Id.*

³⁶ See 47 C.F.R. § 63.24(f) (requiring notification within 30 days of consummation of a *pro forma* international Section 214 transaction).

³⁷ See *Contact Communications Transaction Letter* at 2; see also IBFS File No.: ITC-T/C-20120301-00069; *International Authorization Granted – Section 214 Applications (47 C.F.R. 63.18) Requests*, Public Notice, Report No. TEL-01552, 27 FCC Rcd 2863, 2866 (announcing notification of the *pro forma* transfer of control from OWTI to Contact, International Bureau Filing System (IBFS) File No.: ITC-T/C-20120301-00069).

³⁸ See Letter from Steven A. Augustino and Winifred R. Brantl, Counsel for One World Telecom, LLC, Kelley Drye & Warren LLP, to Marlene H. Dortch, Secretary, Fed. Comm. Comm'n (Mar. 13, 2012) at 2-3, Attachment to IBFS File No.: ITC-T/C-20120301-00073 (*TESS Transaction Letter*).

³⁹ *Id.* at 1.

⁴⁰ *Id.*

international Section 214 transaction by January 31, 2011,⁴¹ but the Company did not do so until March 13, 2012.⁴²

D. The Timing of One World Telecom's Response to the Bureau's Letter of Inquiry

14. On January 21, 2010, the Bureau sent a Letter of Inquiry (LOI) to One World Telecom regarding its assignment transaction with NexUSStel.⁴³ The response was due on February 22, 2010.⁴⁴ One World Telecom did not provide a response by this deadline, despite its receipt of the LOI.⁴⁵ On March 18, 2010, the Bureau sent One World Telecom a second letter that warned of possible enforcement action if a complete response to the LOI was not received by March 25, 2010.⁴⁶ On March 29, 2010, One World Telecom responded to the Bureau's LOI, 35 days late.⁴⁷

III. TERMS OF AGREEMENT

15. **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.

16. **Jurisdiction.** One World Telecom agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and that the Bureau has the authority to enter into and adopt this Consent Decree.

17. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date. 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

⁴¹ See 47 C.F.R. § 63.24(f) (requiring notification within 30 days of consummation of a *pro forma* international Section 214 transaction).

⁴² See *TESS Transaction Letter*; see also IBFS File No.: ITC-T/C-20120313-00073; *International Authorization Granted – Section 214 Applications (47 C.F.R. § 63.18) Requests*, Public Notice, Report No. TEL-01552, 27 FCC Rcd 2863, 2866 (announcing notification of the *pro forma* transfer of control from Contact Communications to TESS, International Bureau Filing System (IBFS) File No.: ITC-T/C-20120313-00073).

⁴³ See Letter from Trent B. Harkrader, Deputy Div. Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Mr. Laurent S. Lamothe, Chief Executive Officer, One Word Telecom, LLC (Jan. 21, 2010) (on file in EB-09-IH-2125) (*One World Telecom LOI*). This LOI did not address any of the other alleged violations.

⁴⁴ *Id.* at 1.

⁴⁵ One Word Telecom did not contact the Bureau during the 30-day period allotted for a timely response. According to the U.S. Postal Service's (USPS) mail delivery tracking system, the LOI was delivered on January 25, 2010. See USPS, "Track & Confirm Record for Receipt Number 7008 05000000 9339 6451 (on file in EB-09-IH-2125). Additionally, on February 2, 2012, the Bureau received the USPS Return Receipt card acknowledging One Word Telecom's receipt of the LOI. See Return Receipt for Receipt Number 7008 05000000 9339 6451 (on file in EB-09-IH-2125).

⁴⁶ See Letter from Trent B. Harkrader, Deputy Div. Chief, Investigations and Hearings Div., FCC Enforcement Bureau, to Laurent S. Lamothe, Chief Executive Officer, One Word Telecom, LLC (Mar. 18, 2010) (on file in EB-09-IH-2125) (*LOI Demand Letter*).

⁴⁷ See *LOI Response*, *supra* note 26.

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.

18. **Termination of Investigation.** 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 its Investigation. In consideration for the termination of said Investigation, One World Telecom 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 this Investigation through the Effective Date, 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 One World Telecom concerning the matters that were the subjects of the Investigation. The Bureau also agrees that in the absence of new material evidence it will not use the facts developed in this Investigation through the Effective Date, 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 One World Telecom with respect to One World Telecom's basic qualifications, including its character qualifications, to be a Commission licensee or hold Commission authority.

19. **Compliance Officer.** Within thirty (30) calendar days after the Effective Date, One World Telecom shall designate a senior corporate manager with the requisite corporate and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The person designated as the Compliance Officer shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that One World Telecom complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his/her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the Section 214 Rules and One World Telecom's duty to timely respond to Commission requests for information prior to assuming his/her duties.

20. **Compliance Plan.** For purposes of settling the matters set forth herein, One World Telecom agrees that it shall within sixty (60) calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Communications Laws, including the Section 214 Rules, and to ensure One World Telecom's timely response to Commission requests for information, and with the terms and conditions of this Consent Decree. The Compliance Plan shall include, without limitation, the following components:

- (a) **Operating Procedures.** Within sixty (60) calendar days after the Effective Date, One World Telecom shall establish Operating Procedures that all Covered Employees shall follow to help ensure One World Telecom's compliance with the Section 214 Rules and its timely response to Commission requests for information. One World Telecom's Operating Procedures shall include internal procedures and policies specifically designed to ensure that One World Telecom complies with the Section 214 Rules and timely responds to Commission requests for information. One World Telecom shall also develop a Compliance Checklist that describes the steps that a Covered Employee must follow to ensure compliance with the Section 214 Rules and to timely respond to any Commission requests for information.
- (b) **Compliance Manual.** Within sixty (60) calendar days after the Effective Date, the Compliance Officer shall develop and distribute a Compliance Manual to all Covered Employees. The Compliance Manual shall explain the Communications Laws that apply to One World Telecom, including the Section 214 Rules, and One World Telecom's duty to timely respond to Commission requests for information. The Compliance Manual shall also set forth the Operating Procedures that Covered Employees shall follow to help

ensure One World Telecom's compliance with the Section 214 Rules and One World Telecom's timely response to any Commission requests for information. One World Telecom shall periodically review and revise the Compliance Manual as necessary to ensure that the information set forth therein remains current and accurate. One World Telecom shall distribute any revisions to the Compliance Manual promptly to Covered Employees. The Compliance Manual will require personnel, including Covered Employees, to contact One World Telecom's Compliance Officer and, if appropriate, regulatory legal counsel, with any questions or concerns that arise with respect to One World Telecom's obligations under the Communications Laws, including the Section 214 Rules and the duty to timely respond to Commission requests for information, that apply to One World Telecom.

- (c) **Compliance Training Program.** One World Telecom shall establish and implement a Compliance Training Program on compliance with the Communications Laws, including the Section 214 Rules and One World Telecom's duty to timely respond to Commission requests for information, and the Operating Procedures. As part of the Compliance Training Program, Covered Employees shall be advised of One World Telecom's obligation to report any noncompliance with the Section 214 Rules or with One World Telecom's duty to timely respond to Commission requests for information under paragraph 21 of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall be trained pursuant to the Compliance Training Program within sixty (60) calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after the Effective Date shall be trained within thirty (30) calendar days after the date such person becomes a Covered Employee. One World Telecom shall repeat the compliance training on an annual basis, and shall periodically review and revise the Compliance Training Program as necessary to ensure that it remains current and complete and to enhance its effectiveness.
- (d) **Termination Date.** The requirements of this Compliance Plan shall expire twenty-four (24) months after the Effective Date.

21. **Reporting Noncompliance.** One World Telecom shall report any noncompliance with the Section 214 Rules, the duty to timely respond to Commission requests for information, and the terms and conditions of this Consent Decree within fifteen (15) calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of (i) each instance of noncompliance; (ii) the steps that One World Telecom has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that One World Telecom has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to the Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, Room 4-C330, 445 12th Street, SW, Washington, DC 20554, with a copy submitted electronically to Theresa Z. Cavanaugh at Terry.Cavanaugh@fcc.gov, William A. Kehoe at William.Kehoe@fcc.gov, and Robert B. Krinsky at Robert.Krinsky@fcc.gov. The reporting obligations set forth in this paragraph shall expire twenty-four (24) months after the Effective Date.

22. **Compliance Reports.** One World Telecom shall file Compliance Reports with the Commission ninety (90) calendar days after the Effective Date, twelve (12) months after the Effective Date, and twenty-four (24) months after the Effective Date.

- (a) Each Compliance Report shall include a detailed description of One World Telecom's efforts during the relevant period to comply with the terms and conditions of this Consent

Decree, the Section 214 Rules, and any Commission requests for information. In addition, each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of One World Telecom, stating that the Compliance Officer has personal knowledge that One World Telecom (i) has established and implemented the Compliance Plan; (ii) has utilized the Operating Procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 21 of this Consent Decree.

- (b) The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and shall comply with Section 1.16 of the Rules⁴⁸ and be subscribed to as true under penalty of perjury in substantially the form set forth in Section 1.16.
- (c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of One World Telecom, shall provide the Commission with a detailed explanation of the reason(s) why and describe fully (i) each instance of noncompliance; (ii) the steps that One World Telecom has taken or will take to remedy such noncompliance, including the schedule on which proposed remedial actions will be taken; and (iii) the steps that One World Telecom has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
- (d) All Compliance Reports shall be submitted to the Chief, Investigations & Hearings Division, Enforcement Bureau, Federal Communications Commission, Room 4-C330, 445 12th Street, SW, Washington, DC 20554, with a copy submitted electronically to Theresa Z. Cavanaugh at Terry.Cavanaugh@fcc.gov, William A. Kehoe at William.Kehoe@fcc.gov, and Robert B. Krinsky at Robert.Krinsky@fcc.gov.

23. **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 Act⁴⁹ against One World Telecom or its affiliates 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 One World Telecom with the Communications Laws.

24. **Voluntary Contribution.** One World Telecom agrees that it will make a voluntary contribution to the United States Treasury in the amount of twenty-four thousand dollars (\$24,000.00) (Voluntary Contribution). Because of One World Telecom's inability to make a lump sum payment, such Voluntary Contribution shall be made in installments (each an Installment Payment). The first Installment Payment in the amount of eight thousand dollars (\$8,000.00) is due within thirty (30) calendar days after the Effective Date. The second Installment payment in the amount of eight thousand dollars (\$8,000.00) is due on February 1, 2013. The final payment in the amount of eight thousand dollars (\$8,000.00) is due on March 1, 2013 (Maturity Date). One World Telecom acknowledges and agrees that

⁴⁸ 47 C.F.R. § 1.16.

⁴⁹ 47 U.S.C. § 208.

upon execution of this Consent Decree, the Voluntary Contribution and each Installment Payment shall become a “Claim” or “Debt” as defined in 31 U.S.C. § 3701(b)(1).⁵⁰ Upon an Event of Default, all procedures for collection permitted by law may, at the Commission’s discretion, be initiated. In addition, One World Telecom agrees that it will make the first and all subsequent Installment Payments in United States Dollars without further demand or notice by the dates specified above. One World Telecom shall also send electronic notification of payment to Theresa Z. Cavanaugh at Terry.Cavanaugh@fcc.gov, William A. Kehoe at William.Kehoe@fcc.gov, and Robert B. Krinsky at Robert.Krinsky@fcc.gov on the date said Installment Payments are made. The Installment Payments must be made by check or similar instrument, wire transfer, or credit card, and must include the Account number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.⁵¹ When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters “FORF” in block number 24A (payment type code). Below are additional instructions you should follow based on the form of payment you select:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

If you have questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

25. **Event of Default.** One World Telecom agrees that an Event of Default shall occur upon the failure by One World Telecom to pay the full amount of any Installment Payment on or before the due date specified in this Consent Decree.

26. **Interest, Charges for Collection, and Acceleration of Maturity Date.** After an Event of Default has occurred under this Consent Decree, the then unpaid amount of the Voluntary Contribution shall accrue interest, computed using the U.S. Prime Rate in effect on the date of the Event of Default plus 4.75 percent, from the date of the Event of Default until payment in full. Upon an Event of Default, the then unpaid amount of the Voluntary Contribution, together with interest, as aforesaid, any penalties permitted and/or required by the law, including but not limited to 31 U.S.C. § 3717, and administrative charge(s), plus the costs of collection, litigation, and attorneys’ fees, shall become immediately due and payable, without notice, presentment, demand, protest, or notice of protest of any kind, all of which are waived by One World Telecom.

⁵⁰ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

⁵¹ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

27. **Waivers.** One World Telecom 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 Bureau issues the Adopting Order as defined in this Consent Decree. One World Telecom 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 One World Telecom nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and One World Telecom shall waive any statutory right to a trial *de novo*. One World Telecom hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act,⁵² relating to the matters addressed in this Consent Decree.

28. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

29. **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 One World Telecom does not expressly consent) that provision will be superseded by such Commission rule or order.

30. **Successors and Assigns.** One World Telecom agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

31. **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 adjudication on the merits or a factual or legal finding or determination regarding any compliance or noncompliance with the requirements of the Communications Laws.

32. **Termination Date.** The requirements of this Consent Decree shall expire twenty-four (24) months after the Effective Date.

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

34. **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.

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

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

⁵² See 5 U.S.C. § 504; 47 C.F.R. Part 1, Subpart K.

P. Michele Ellison
Chief
Enforcement Bureau

Date

Andres Proano
Manager
One World Telecom, LLC

Date