



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON D.C. 20554

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DA No. 13-1250

Report No. TEL-01619

Thursday May 30, 2013

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: 05/20/2013

TX Communications LLC (TXC or "Petitioner") requests a declaratory ruling that its indirect foreign ownership above the 25 percent benchmark in section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), is in the public interest. TXC filed the petition in connection with an application for consent to assign common carrier point-to-point wireless licenses from Trillion Partners, Inc. to TXC. See ULS File No. 0005401821.

TXC, a Delaware limited liability company, is a wholly-owned subsidiary of TX Broadband Holding Company (TX Broadband), a Delaware company. Global Leveraged Capital Credit Opportunity Fund I (GLC COF I), an entity organized under the laws of the Cayman Islands, a World Trade Organization (WTO) Member, has a 63.81% controlling interest in TX Broadband and thus indirectly in TXC. Global Leveraged Capital Primary Credit Fund (GLC PCF), a Delaware limited liability company, has a 22.82% interest in TX Broadband. Tatonka Capital Corporation (TCC), a Colorado corporation, has a 13.37% interest in TX Broadband.

According to the Petition, the majority of the revenues derived by GLC COF I are from investments in U.S. companies. The day-to-day management, operational and investment decisions for GLC COF I are made by Global Leveraged Capital, LLC, a Delaware limited liability company that is ultimately controlled by three U.S. citizens. Non-U.S. citizens or entities organized under the laws of other countries hold a total of 37.9% of the investment equity in GLC COF I, but no single foreign investor holds a 10 percent or greater share of GLC COF I. None of the investors has the ability to control or be involved in the day-to-day business operations, activities or decisions of GLC COF I. Petitioner asserts that the overall attributable non-U.S. ownership in TX Broadband, and thus the indirect foreign ownership in TXC, is 24.33% -- 24.18% through the foreign equity investment in GLC COF I and 0.15% through GLC PCF.

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 it would not serve the public interest to prohibit the indirect foreign ownership of TXC in excess of the 25 percent benchmark of section 310(b)(4) of the Act. Specifically, this ruling permits TXC to be owned and controlled indirectly, through its controlling U.S.-organized parent, TX Broadband (or a U.S.-organized successor-in-interest formed as part of a pro forma reorganization), by Global Leveraged Capital Credit Opportunity Fund I, a Cayman Islands entity (up to and including 63.81 percent equity and voting interests). TXC may acquire up to and including an additional, aggregate 25 percent indirect equity and/or voting interests from other foreign individuals and entities investing in TXC without seeking further Commission approval under section 310(b)(4). For purposes of calculating the additional, aggregate 25 percent amount, TXC shall include the overall attributable non-U.S. ownership in TX Broadband.

This authorization is without prejudice to the Commission's action on any other related pending application(s).

Petition for Declaratory Ruling

Grant of Authority

Date of Action: 05/20/2013

T-Mobile USA, Inc. (T-Mobile USA or Petitioner) filed a petition for declaratory ruling (Petition) asking the Commission to allow indirect foreign ownership of Cook Inlet/VS GSM VII PCS, LLC (CIVS VII) and its common carrier broadband personal communications (PCS) and advanced wireless service (AWS) wireless licenses in excess of the 25 percent statutory benchmark set forth in section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4). This Petition was filed in connection with an application seeking Commission consent to the transfer of control of CIVS VII to T-Mobile USA. ULS File No. 0005692942. Upon consummation of the proposed transaction, CIVS VII will become a wholly-owned and controlled indirect subsidiary of T-Mobile USA. (T-Mobile currently holds an indirect non-controlling equity interest in CIVS VII.)

In its Petition, T-Mobile USA states that the Commission has recently approved the indirect 100% foreign ownership of common carrier wireless licenses by Deutsche Telekom AG (DT) and DT's shareholders. See T-Mobile/MetroPCS Order, WT Docket No. 12-301, DA13-384, 28 FCC Rcd 2322 (WTB/IB 2013). Petitioner requests section 310(b)(4) approval based upon the final ownership structure of T-Mobile USA (or any successor entity) as described and approved in the T-Mobile/MetroPCS Order.

T-Mobile USA will hold all of the ownership interests in CIVS VII through two wholly-owned, direct and indirect subsidiaries, each of which is a U.S.-organized entity, as is T-Mobile US, Inc., the direct 100% parent of T-Mobile USA. T-Mobile Global Holding GmbH (T-Mobile Holding) holds a 74% interest in T-Mobile US, Inc. T-Mobile Global is wholly owned by DT, through its wholly-owned subsidiary, T-Mobile Global Zwischenholding GmbH (T-Mobile Global). The Federal Republic of Germany (FRG) holds an approximately 15% direct interest in DT. Kreditanstalt für Wiederaufbau (KfW), a bank that is 80% owned by the FRG and 20% owned by the German federal states, holds an approximately 17% direct interest in DT. T-Mobile Holding, T-Mobile Global, DT and KfW are all organized under the laws of the Federal Republic of Germany, which is a World Trade Organization (WTO) Member country. Thus, DT, through T-Mobile Holding and T-Mobile Global, will hold a 74% indirect ownership interest in CIVS VII.

We find, 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), that the public interest would not be served by prohibiting the indirect foreign ownership of CIVS VII in excess of the 25 percent benchmark in section 310(b)(4) of the Act. Specifically, this ruling permits CIVS VII to be 100 percent owned indirectly, as a result of foreign ownership interests held in its controlling U.S. parent, by T-Mobile Global and T-Mobile Holding (individually), by Deutsche Telekom (individually), and by Deutsche Telekom's shareholders (collectively), subject to the following conditions. First, CIVS VII shall obtain prior Commission approval before any foreign individual or entity acquires a direct or indirect equity and/or voting interest in its controlling U.S. parent in excess of 25 percent, with the exception of the equity and voting interests held currently by the FRG and KfW. Second, CIVS VII shall obtain prior Commission approval before the ownership interests held collectively in Deutsche Telekom by the FRG and KfW exceed 32 percent equity and/or voting interests plus an aggregate three percent to account for fluctuations in publicly-traded shares. Finally, CIVS VII shall obtain prior Commission approval before direct or indirect equity and/or voting interests in its controlling U.S. parent from non-WTO Member countries (including interests from unknown countries) exceeds 25 percent.

This ruling is conditioned on compliance with the provisions of the Agreement entered into on January 12, 2001, as amended, between DT and the United States Department of Justice, the Federal Bureau of Investigation, and the United States Department of Homeland Security (which was made a party to the Agreement in January 2008). The January 12, 2001 Agreement is appended to the DT-VoiceStream Order, 16 FCC Rcd 9779, Appendix B. The 2008 amendment is appended to the T-Mobile/SunCom Order, 23 FCC Rcd 2515. A second amendment to the Agreement, dated March 5, 2013, is appended to the T-Mobile/MetroPCS Order, 28 FCC Rcd 2322.

This authorization is without prejudice to the Commission's action on any other related pending application(s).

International Telecommunications Certificate

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

Grant of Authority

Date of Action: 05/23/2013

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).

We grant the Petition to Adopt Conditions to Authorizations and Licenses filed in the proceeding on May 23, 2013, by the Department of Justice (DOJ). Accordingly, we condition grant of this application on Cohere Communications, LLC abiding by the commitments and undertakings set forth in the May 20, 2013 letter of Assurance (LOA) from Christopher Bologna to Acting Assistant Attorney General, National Security Division, DOJ. The Petition and the LOA may be viewed on the FCC's website through the International Bureau Filing System (IBFS) by searching for ITC-214-20120419-00106 and accessing the "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: 05/29/2013

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-214-20120607-00153 E Spectrum Intelligence Communications Agency LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 05/29/2013

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-214-20130131-00046 E Horizon Technology Group, LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 05/23/2013

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-214-20130502-00128 E WE Talk Corporation
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service, Switched Services over Private Lines (ISR)
Grant of Authority Date of Action: 05/24/2013

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-214-20130503-00127 E IstPoint Communications, LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 05/24/2013

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-T/C-20130425-00114 E Newcom International, Inc.
Transfer of Control
Grant of Authority Date of Action: 05/24/2013

Current Licensee: Newcom International, Inc.

FROM: Sheridan Dickinson

TO: Jaime Dickinson

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-20040607-00220, held by NewCom International, Inc. (NewCom International), from Sheridan Dickinson to Jaime Dickinson. Sheridan Dickinson and Jaime Dickinson, brothers, currently each have a 50% ownership interest in NewComm International. Upon closing, Jaime Dickinson will hold 100% ownership interest in NewCom International.

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

Transfer of Control

Grant of Authority

Date of Action: 05/24/2013

Current Licensee: Aircell Business Aviation Services LLC

FROM: Ripplewood Partners II, LP

TO: Gogo Inc.

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-20111206-00360, held by Aircell Business Aviation Services LLC (Aircell), from Ripplewood Partners II, LP (Ripplewood) to Gogo Inc. (Gogo), the indirect, 100 percent parent of Aircell. According to Applicants, Ripplewood currently has de facto control of Gogo and Aircell. Gogo intends to undertake an initial public offering (IPO) to obtain additional capital. At the completion of the IPO Ripplewood will no longer have de facto control of Gogo, and no other single individual or entity should possess either de jure or de facto control of Gogo.

The following entities and individuals currently hold a ten percent or greater interest in Gogo: AC Acquisition I LLC (25.6% direct); Ripplewood Partners II, L.P. (25.6% indirect); AC Acquisition II LLC (10.2% direct); Ripplewood Partners II Parellel Fund, L.P. (10.2% indirect); RP II Partners LP (35.8% indirect); Collins Family Partners, Inc. (35.8% indirect); Collins Family Partners, L.P. (35.8% indirect); Ripplewood Partners II GP, L.P. (35.8% indirect); RP II GP, L.L.C. (35.8% indirect); Timothy C. Collins (35.8% indirect); and, Oakleigh Thorne (38.6% indirect). After the IPO, Gogo expects that the ownership of each of those entities or individuals will decline and that there will be no new ten percent or greater owners. Gogo will submit post-IPO ownership information in its consummation notice.

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

Dismissal

ITC-214-20120328-00085 Button Telecom, Inc.

By letter filed May 22, 2013, Applicant notified the Commission of the withdrawal of its international section 214 application.

ITC-214-20120524-00136 Travel GSM Communications, Inc.

By letter filed March 25, 2013, Applicant notified the Commission of the withdrawal of its international section 214 application.

INFORMATIVE

ITC-214-20080219-00066 dishNET Wireline L.L.C.

By letter dated March 18, 2012, the Commission was notified that Liberty-Bell Telecom LLC has changed its name to dishNET Wireline L.L.C.

SURRENDER

ITC-214-19990218-00110 Zayo Group, LLC

By letter filed April 19, 2013, Applicant notified the Commission of the Surrender of its international section 214 authorization.

ITC-214-20000929-00551 Zayo Group, LLC

By letter filed April 19, 2013, Applicant notified the Commission of the Surrender of its international section 214 authorization.

ITC-214-20010117-00029 Zayo Group, LLC

By letter filed April 19, 2013, Applicant notified the Commission of the Surrender of its international section 214 authorization.

ITC-214-20090409-00151 Proactive Communications Inc.

By letter filed May 24, 2013, 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.