



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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WASHINGTON D.C. 20554

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DA No. 14-1571

Report No. TEL-01698

Thursday October 30, 2014

## International Authorizations Granted

### Section 214 Applications (47 C.F.R. § 63.18); Section 310(b) 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 foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b).

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.

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ITC-214-20130221-00063 E Speed Telco LLC

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Grant of Authority

Date of Action: 10/17/2014

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).

We grant the Petition to Adopt Conditions to Authorizations and Licenses filed in this proceeding on October 29, 2013, by the Department of Justice (DOJ), including the Federal Bureau of Investigation, with concurrence of the Department of Homeland Security (DHS). Accordingly, we condition grant of this international section 214 authorization on compliance by Speed Telco LLC with the commitments and undertakings set forth in the September 10, 2013 letter from Abdikarim Hersi Nur, CEO, Speed Telco LLC, to the Acting Assistant Attorney General, National Security Division, DOJ (Letter). A failure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of the authorization and thus grounds for declaring the authorization terminated without further action on the part of the Commission. Failure to meet a condition of the authorization may also result in monetary sanctions or other enforcement action by the Commission. The Petition and the Letter may be viewed on the FCC's website through the International Bureau Filing System (IBFS) by searching for ITC-214-20130221-00063 and accessing the "Other Filings related to this application" from the Document Viewing Area.

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**ITC-214-20141001-00275** E Damaka, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Resale Service  
Grant of Authority Date of Action: 10/24/2014

Application for Authority to Provide International Resold Services to All Authorized International Points

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**ITC-ASG-20140624-00188** E Florida Prepaid Cellular, LLC  
Assignment  
Grant of Authority Date of Action: 07/18/2014

**Current Licensee:** Spot Mobile Corporation

**FROM:** Spot Mobile Corporation

**TO:** Florida Prepaid Cellular, LLC

Application filed for consent to the partial assignment of authority under international section 214 authorization, ITC-214-20120206-00042, from Spot Mobile Corporation (Spot Mobile) to Florida Prepaid Cellular, LLC (FPC). FPC will acquire from Spot Mobile approximately 120,000 of its prepaid customers located nationwide, as well as certain tangible assets, and FPC will assume certain contracts such as leases. Spot Mobile will retain international section 214 authorization, ITC-214-20120206-00042. Upon closing, FPC will provide international service to its newly acquired customers pursuant to international section 214 authorization, ITC-214-20140624-00191. FPC is 99% owned by FPW Corp., a Maryland corporation that is wholly owned by Paul Greene, a U.S. citizen, who also owns the remaining 1% direct ownership interest in FPC.

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

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**ITC-ASG-20141001-00274** E GC Pivotal, LLC  
Assignment  
Grant of Authority Date of Action: 10/24/2014

**Current Licensee:** MegaPath Corporation

**FROM:** MegaPath Group, Inc.

**TO:** GC Pivotal, LLC

Application filed for consent to the assignment of assets held by MegaPath Corporation (MegaPath) to GC Pivotal, LLC d/b/a Global Capacity (Global Capacity). Pursuant to the terms of a Membership Interest Purchase Agreement, dated September 5, 2014, Global Capacity will acquire certain network assets and data broadband non-telephone service customers of MegaPath served by those assets, but not Megapath's section 214 authorizations. Upon closing, Global Capacity will provide service to its newly acquired customers pursuant to its existing international section 214 authorization, ITC-214-20110201-00049. MegaPath will continue to hold its existing international section 214 authorization, ITC-214-20021126-00558.

Global Capacity is wholly owned by Pivotal Global Capacity, LLC, which in turn is wholly owned by FFN Investments, LLC (FFN Investments), both are Arizona limited liability companies. The following entities and or individuals, all U.S. citizens, hold 10 percent or greater ownership interests in FFN Investments: (1) Najafi 2006 Irrevocable Trust (trustee Richard Garner; beneficiaries are Mr. Najafi's children, each of whom is not as yet entitled to receive any distributions from the trust) (60%); (2) Pivotal Capital Corporation (10% ownership interest in FFN Investments); (3) F. Francis Najafi Family Trust (trustee and beneficiary F. Francis Najafi) 40% indirect ownership interest in Global Capacity from 30% direct ownership interest in FFN Investments and 10% indirect ownership interest in FFN Investments through Pivotal Capital Corporation). Pivotal Capital Corporation is wholly owned by the F. Francis Najafi Family Trust. No other individuals or entities will have a 10 percent or greater direct or indirect equity or voting interest in FFN or Global Capacity.

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

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Transfer of Control

Grant of Authority

Date of Action: 10/24/2014

**Current Licensee:** Hudson Fiber Network, Inc.

**FROM:** Brett Diamond

**TO:** Hudson Fiber Holdings, Inc.

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-20110412-00099, held by Hudson Fiber Network, Inc. (Hudson Fiber), from its current stockholders - Brett Diamond (45%), Keith Muller (45%), and Ande Hornig (10%) - to Hudson Fiber Holdings, Inc. (Holdings). Pursuant to a Stock Purchase Agreement executed on September 15, 2014, Holdings will acquire 100% of the ownership interests of Hudson Fiber as follows: (i) Holdings will acquire 60% of the outstanding shares of Hudson Fiber for cash, (ii) current stockholders of Hudson Fiber will exchange the remaining 40% of the outstanding shares of Hudson Fiber for common stock in Holdings, and (iii) Hudson Fiber will issue a dividend to its existing stockholders upon closing. Upon closing Hudson Fiber will be 100% owned by Holdings. Holdings itself will be owned by Tiger Infrastructure Partners Fund LP (Tiger), a Delaware limited partnership (60%), Brett Diamond (18%), Keith Muller (18%), and Ande Hornig (4%), all U.S. citizens.

The control of Tiger is held by its sole general partner, Tiger Infrastructure Associates GP LP (TigerGP), a Delaware limited partnership. Emil Henry IV LLC (TigerLLC), a Delaware limited liability company serves as the sole general partner of TigerGP. The managing member and 100% owner of TigerLLC is Emil W. Henry, Jr., a U.S. citizen. The following entities are limited partners of Tiger that exercise no control, but by virtue of their ownership interests in Tiger will hold a greater than 10 percent indirect interest in Hudson Fiber: CAT Holding LLC (CAT Holding), a Delaware limited liability company (61.73% LP interest) and Kiewit Infrastructure Co. (Kiewit Infrastructure), a Delaware corporation (17.64% LP interest). CAT Holding is 99% owned by the Trust u/a/d December 24, 1985 f/b/o the Issue of Dirk Ziff, a Florida trust with no person involved with the trust holding more than a 10 percent indirect interest in Hudson Fiber after consummation of the transaction. Kiewit Infrastructure is 100% owned by Kiewit Infrastructure Group, Inc., that in turn is 100% owned by Kiewit Corporation, both Delaware corporations. Kiewit Corporation is wholly owned by Peter Kiewit Sons', Inc., a Delaware corporation, in which no owner holds a 10 percent or greater ownership interest.

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

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## 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 at the end of 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) 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).
- (5) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.
- (6) 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.
- (7) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a).
- (8) Carriers shall file annual reports of circuit status required by Section 43.82. This requirement applies to facilities-based carriers and private line resellers, respectively. See also <http://www.fcc.gov/ib/pd/pf/csmanual.html>.
- (9) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 C.F.R. §§

1.20000 et seq.

#### 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). 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>.

This list is subject to change by the Commission when the public interest requires. 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.