



U.S. Department of Justice

National Security Division

Foreign Investment Review Staff

Washington, D.C. 20530

May 9, 2014

By Electronic Filing

Ms. Marlene H. Dortch
Secretary of the Federal Communications Commission
Federal Communications Commission
445 12th St. SW, Room TW-B204
Washington, DC 20554

Re: **Wypoint Telecom, Inc. (formerly, Sage VOIP Solutions, Inc.), File No. ITC-214-20070601-00211 (DA Nos. 07-3505 (July 27, 2007) and 07-4612 (November 15, 2007))**

Dear Ms. Dortch:

The Department of Justice (“DOJ”), including the Federal Bureau of Investigation, with the concurrence of the Department of Homeland Security (“DHS”) (collectively, the “Agencies”), hereby notifies the Federal Communications Commission (“FCC”) of the inability by the applicant in the above-referenced proceeding to comply with the FCC’s terms in granting an international telecommunications certificate on July 27, 2007 (authorization file number **ITC-214-20070601-00211**) to Sage VOIP Solutions, Inc. (“Sage”) (DA No. 07-3505). Given such inability, the Agencies request that the FCC terminate, declare null and void and no longer in effect, and/or revoke file number **ITC-214-20070601-00211**, the current authorization granted to Wypoint Telecom, Inc. (“Wypoint”) (certification holder name changed from Sage to Wypoint, per DA No. 07-4612 (November 15, 2007)).

Prior to Sage/Wypoint receiving the above-identified certificate, the Agencies expressly conditioned their non-objection to Sage being granted any correlating authorities on “the [FCC] condition[ing] the grant on [Sage] abiding by the commitments and undertakings contained in [a] July 11, 2007 letter to Stewart A. Baker, Sigal P. Mandelker, and Elaine N. Lammert,” attached to the Agencies’ petition. (*See* Attachment 1, at 1 (Pet. To Adopt Cond. To Auth. and Licenses (including LOA) (July 27, 2007)).) As stated in the public notice disclosing the grant of the above-referenced certificate (*See* Attachment 2, at 2 (Public Notice (DA No. 07-3505))), the FCC concurred with the Agencies’ request and conditioned the applicant’s authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the FCC’s rules, and also to provide service in accordance with Section 63.18(e)(2) of the FCC’s rules, on the applicant “abiding by the commitments and undertakings contained in its July 11, 2007 letter to Stewart A. Baker, Sigal P. Mandelker, and Elaine N. Lammert” (herein referred to as the letter of assurance, or “LOA”).

The Agencies have reason to believe that Wypoint is no longer in existence. Specifically, the Agencies have been unable to communicate with Wypoint in over a year.¹ Further, the legal counsel for Sage during the application process has neither been able to locate his former client (as of September 2012) nor been in contact with Wypoint (as of October 31, 2013). In addition, it appears that Wypoint has not filed any recent reports of its international traffic and revenue with the FCC.² Nor is there evidence that the FCC has received any notice of Wypoint discontinuing service, although it is our understanding that such notice is not required in certain circumstances, and thus its absence would not necessarily indicate that Wypoint is still in operation. Finally, open-source searches by DOJ in September and November 2013 indicate that Wypoint has been dissolved.³ Given all of this information, the Agencies believe that Wypoint is neither providing services pursuant to authorization file number **ITC-214-20070601-00211** nor still in existence.

Given that all of the information detailed herein suggests that Wypoint no longer exists, Wypoint is consequently unable to comply with the terms of the LOA, and thus cannot satisfy the terms upon which the Agencies gave their non-objection to the granting of authorities to Wypoint. Further, Sage/Wypoint is wholly unable to comply with the terms mandated by the FCC in its July 27, 2007, grant of an international telecommunications certificate.

¹ Specifically, on September 10, 2012, DHS contacted Mr. Thomas Lynch, Sage's counsel during the original review period with the FCC, to inquire as to Mr. Lynch's status as a point of contact for Sage/Wypoint. Mr. Lynch responded on September 19, 2012, indicating that he had been unable to locate Sage/Wypoint in a recent attempt. On September 19, 2013, DOJ unsuccessfully attempted to telephone Wypoint at a telephone number both listed in Sage's original application with the FCC and found through open-source searches as a contact method for Wypoint ((925) 243-1318). (See Attachment 3, at 1 (Sage App.); Attachment 4, at 1 (<http://www.thinklocal.com/WypointTelecomInc-9204.html> (Nov. 20, 2013)).) DOJ could not attempt e-mail communication with Wypoint, as Sage's original application with the FCC does not list an e-mail address and DOJ found no e-mail addresses for Wypoint through open-source searches for information about the company. In addition, on October 31, 2013, Mr. Lynch advised the Agencies via e-mail that nothing had changed since his September 2012 e-mail to DHS, and that he had not been in contact with Sage/Wypoint. On March 18, 2014, DOJ again was unsuccessful in reaching Wypoint by telephone after attempting to call two telephone numbers found through open-source searches ((925) 243-1318 and (408) 920-6032). (See Attachment 4; Attachment 5 at 2 (<http://www.sale spider.com/b-324508956/wypoint-telecom-inc>. (Nov. 20, 2013)).)

² See 2012 International Telecommunications Data (April 2014) at Table 4 (Carriers Filing International Traffic Data for 2011) (Wypoint not listed); 2011 International Telecommunications Data (April 2013) at Table 5 (Carriers Filing International Traffic Data for 2011) (Wypoint not listed); and 2010 International Telecommunications Data (March 2012) at Table 5 (Carriers Filing International Traffic Data for 2010) (Wypoint not listed).

³ While internet searches for the existence of Wypoint yield little, one September 19, 2013, query revealed a search-engine result from www.bizpedia.com indicating that Wypoint Telecom Inc. had been "Dissolved." (See Attachment 6, at 1 (<http://www.bizpedia.com/ca/WYPOINT-TELECOM-INC.html> (Sept. 19, 2013)).) Another query from November 20, 2013, revealed a "Wysk Company Profile" for Wypoint, also stating that the company's status was "Dissolved" and further that, on March 25, 2010, there was a transaction type identified as a "Certificate of Dissolution." (See Attachment 7, at 1-1 (<http://www.wysk.com/index/california/livermore/uxdf8t8/wypoint-telecom-inc/profile> (Nov. 20, 2013)).) Both results showed the same address for Wypoint as that given in Sage's original application with the FCC, as well as found through other open-source searches (714 El Caminito, Livermore, CA 94550). (See Attachments 3-7.)

Because Wypoint is unable to act in accordance with the LOA and cannot abide by the FCC's requirements in issuing the authorization, and given that such compliance was an express condition of both the Agencies' non-objection to the granting of authority and of the FCC's grant of authority to Sage/Wypoint, the Agencies request that the FCC terminate, declare null and void and no longer in effect, and/or revoke the July 27, 2007, international telecommunications certificate issued to Wypoint, authorization file number **ITC-214-20070601-00211**.

Thank you for your consideration.

Sincerely,

____s/Richard Sofield_____
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