

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

In the Matter of
IP To Go, LLC
Termination of International Section 214
Authorization
ITC-214-20090508-00208
(Terminated)

ORDER

Adopted: November 30, 2016

Released: November 30, 2016

By the Chief, Telecommunications and Analysis Division, International Bureau:

I. INTRODUCTION

1. By this Order, we declare the international section 214 authorization granted to IP To Go, LLC (IPTG) terminated given IPTG’s inability to comply with an express condition for holding the authorization.1 We also conclude that IPTG failed to comply with those requirements of the Communications Act of 1934, as amended (the Act) and the Commission’s rules that ensure that the Commission can contact and communicate with the authorization holder and verify IPTG is still providing service, which failures have prevented any way of addressing IPTG’s inability to comply with the condition of its authorization.

II. BACKGROUND

2. Section 214(a) of the Act prohibits any carrier from constructing, extending, acquiring, or operating any line, and from engaging in transmission through any such line, without first obtaining a certificate of authorization from the Commission.2 Under section 214(c) of the Act, the Commission “may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require.”3 On December 19, 2011, the International Bureau granted IPTG an international section 214 authorization to provide international global or limited global facilities-based authority, and global or limited global resale authority, in accordance with section 63.18(e)(1) and 63.18(e)(2) of the Commission’s rules.4 The International Bureau granted the application on the express condition that IPTG abide by the commitments and undertakings contained in its December 5, 2011 letter of assurance (LOA) to the U.S. Department of Justice (DOJ).5 The LOA outlines a number of

1 The International Bureau granted IPTG’s authorization under File No. ITC-214-20090508-00208. International Authorizations Granted, Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) Requests, Report No. TEL-01536, Public Notice, 26 FCC Rcd 17031 (IB 2011) (IPTG 2011 International Authorization).

2 47 U.S.C. § 214(a); 47 CFR § 63.18 (stating any carrier seeking section 214 authority “for the provision of common carrier communications services between the United States, its territories or possessions, and a foreign point shall request such authority by formal application”). The Commission granted “blanket” section 214 authority to carriers providing domestic service but did not extend this authority to international services. Implementation of Section 402(b)(2)(A) of the Telecommunications Act of 1996, CC Docket No. 97-11, AAD File No. 98-43, Report and Order, Second Memorandum Opinion and Order, 14 FCC Rcd 11364, 11365-66, para. 2 & n.8 (1999).

3 47 U.S.C. § 214(c).

4 IPTG 2011 International Authorization, 26 FCC Rcd at 17031; 47 CFR § 63.18(e).

5 IPTG 2011 International Authorization, 26 FCC Rcd at 17031; Petition to Adopt Conditions to Authorizations and Licenses, File No. ITC-214-20090508-00208 (filed December 19, 2011) (Petition to Adopt Conditions); Letter from (continued....)

commitments made by IPTG to address national security, law enforcement, and public safety concerns.⁶

3. On April 11, 2016, DOJ notified the Commission of IPTG's non-compliance with the conditions of its authorization and requested that the Commission terminate, declare null and void and no longer in effect, and/or revoke the international section 214 authorization issued to IPTG.⁷ DOJ believes that IPTG "is neither providing services pursuant to authorization file number ITC-214-20090508-00208 nor still in existence."⁸ DOJ stated that it has been unable to contact IPTG using the telephone numbers listed in its application or through open source research since January 2016.⁹ Additionally, DOJ indicates that it contacted IPTG via the e-mail addresses provided in IPTG's application several times since January 2016, with no response.¹⁰ DOJ states that IPTG listed a telephone number on its application as belonging to Alonzo Bevene from the Regulatory Back Office, Inc., but that number belongs to Maldonado Law Group.¹¹ DOJ stated that in February 2016, DOJ called and Mr. Maldonado answered this number advising DOJ "that the firm is no longer on retainer with IPTG and has no forwarding information for the company."¹² Finally, DOJ stated that the Florida Department of State Division of Corporations lists IPTG as an active company as of May 22, 2007 with a mailing address for Hitstay, a travel company, also owned by IPTG business owner, Ricardo Mandini, but no telephone number was found for Hitstay.¹³

4. The Commission has made significant efforts to communicate with IPTG, but has also been unable to do so. On July 5, 2016, the International Bureau sent IPTG a letter to the last addresses of record requesting that IPTG respond to the *April 11, 2016 Executive Branch Letter* by August 3, 2016.¹⁴ IPTG did not respond. Since that time, the International Bureau has provided IPTG with additional opportunities to respond to these allegations.¹⁵ The International Bureau stated that failure to respond

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Ricardo Mandini, IP To Go, LLC to Assistant Attorney General, National Security Division, U.S. Department of Justice (Nov. 21, 2011).

⁶ LOA at 1-2.

⁷ Letter from Richard Sofield, Director, Foreign Investment Review Staff, National Security Division, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC, IB File No. ITC-214-20090508-00208 (Apr. 11, 2016) (*April 11, 2016 Executive Branch Letter*).

⁸ *Id.* at 2.

⁹ *Id.* at 1. DOJ stated that it also left several voice mail messages from January through March 2016 at IPTG's two telephone numbers provided on its Form 499 form and while both numbers are in service with non-descript voice mail greetings, no calls were returned from IPTG. *Id.* at 2. DOJ adds that IPTG's customer inquiries telephone number listed on its Form 499 form, as well as the telephone number for its agent for service of process, are disconnected. *Id.*

¹⁰ *Id.* at 1.

¹¹ *Id.* at 2.

¹² *Id.*

¹³ *Id.*

¹⁴ Letter from Denise Coca, Division Chief, Telecommunications and Analysis Division, International Bureau, FCC to Ricardo V. Mandini, IP To Go, LLC (July 5, 2016).

¹⁵ First, on September 22, 2016, the Bureau released a Public Notice affording IPTG its "final notice and opportunity to respond" and stating that IPTG must do so no later than 15 days after publication of notice in the Federal Register. *Notice of Intent to Declare the International Section 214 Authorization of IP To Go, LLC Terminated*, File No. ITC-214-20090508-00208, Public Notice, 31 FCC Rcd 10733 (IB 2016) (*2016 IPTG Public Notice*). Second, on October 13, 2016, the Public Notice was published in the Federal Register and IPTG was required to respond within 15 days of publication, by October 28, 2016. *Notice of Intent to Terminate 214 Authorization*, Federal Register, 81 Fed. Reg. 70679 (October 13, 2016) (*2016 IPTG Fed. Reg. Notice*). On October 14, 2016, the Bureau mailed the *2016 IPTG Public Notice* and *2016 IPTG Fed. Reg. Notice* to the address listed in its application, Mr.

(continued...)

would result in termination of IPTG's international section 214 authorization for failure to comply with the condition of its authorization.¹⁶ In IPTG's application, IPTG stated it was incorporated in Florida, and according to the Florida Department of State Division of Corporations, on October 14, 2016, IPTG filed a voluntary dissolution letter and is now listed as "inactive."¹⁷ To date, IPTG has not responded to any of the International Bureau or DOJ's multiple requests to resolve this matter.

III. DISCUSSION

5. We determine that IPTG's international section 214 authorization to provide services issued under File No. ITC-214-20090508-00208 has terminated for inability to comply with an express condition for holding the international section 214 authorization. The International Bureau provided IPTG with notice and opportunity to respond to the allegations in the *April 11, 2016 Executive Branch Letter* concerning IPTG's non-compliance with the condition of the grant. IPTG has not responded to any of our multiple requests or requests from DOJ. We find that IPTG's failure to respond to our multiple requests demonstrates that it is unable to satisfy the LOA commitments, upon which the Executive Branch Agencies relied in providing their non-objection to the grant of the authorization to IPTG, and compliance with which is a condition of the grant of its international section 214 authorization.¹⁸

6. Furthermore, after having received an international section 214 authorization, a carrier "is responsible for the continuing accuracy of the certifications made in its application" and must promptly correct information no longer accurate, "and in any event, within thirty (30) days."¹⁹ IPTG has failed to inform the Commission of any changes in its business status of providing international

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Ricardo V. Mandini, IP To Go, LLC, 1801 SW 22 Street, Suite 300, Miami, Florida 33145 (UPS tracking number 1ZA43F583592776438). On October 28, 2016, the mail was returned with UPS noting that "the receiver has moved." On October 13, 2016, the Bureau emailed the applicant at the email address provided in the application. On October 14, 2016, the Bureau sent the notices via UPS (UPS tracking number 1ZA43F583590053221) to Mr. Alonzo Beyene, the contact in IPTG's application, but the notices were returned to the Commission on November 3, 2016 because "the receiver does not want the product and refused the delivery." On October 13, 2016, the Bureau emailed the notices to the designated contact at the email address provided in the application, but the email was returned as undeliverable. On October 14, 2016, the Bureau sent the notices via UPS (UPS tracking number 1ZA43F583593722609) to the DC agent listed in IPTG's FCC Form 499, Telecom Compliance, 3509 Connecticut Ave NW, Suite 1020, Washington, DC 20008 (delivered on October 17, 2016). On October 13, 2016, the Bureau emailed the DC agent the notices to the email address provided in the FCC Form 499. IPTG's FCC Form 499 indicates that its registration is current as of April 1, 2016. FCC Form 499 Filer Database, <http://apps.fcc.gov/cgb/form499/499detail.cfm?FilerNum=827585>. On October 14, 2016, the Bureau also mailed the notices to the address listed by the Florida Department of State, Division of Corporations for Mr. Ricardo V. Mandini, IP To Go, LLC, 6742 NW 108 Av, Parkland, Florida 33076 (UPS tracking number 1ZA43F583592306383) (delivered on October 18, 2016).

¹⁶ 2016 IPTG Public Notice.

¹⁷ Florida Department of State, Division of Corporations, <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=IPTOGO%20L070000378480&aggregateId=flal-l07000037848-3c48cb4f-7333-4dbd-833e-f56cf7e5f18d&searchTerm=IP%20To%20GO&listNameOrder=IPTOGO%20L070000378480> (last visited Nov. 21, 2016). In its dissolution letter, IPTG states that it has had "a very difficult financial situation and no activity." *Id.*

¹⁸ Petition to Adopt Conditions (DOJ, including Federal Bureau of Investigation, with concurrence of U.S. Department of Homeland Security (collectively, "the Executive Branch Agencies") stated no objection to grant of authorization provided condition of grant required compliance with terms of December 5, 2011 LOA).

¹⁹ 47 CFR § 63.21(a).

telecommunications services, as required by the rules.²⁰ Finally, as part of its authorization, IPTG “must file annual international telecommunications traffic and revenue as required by § 43.62.”²¹ Section 43.62(b) states that “[n]ot later than July 31 of each year, each person or entity that holds an authorization pursuant to section 214 to provide international telecommunications service shall report *whether* it provided international telecommunications services during the preceding calendar year.”²² Our records indicate that IPTG failed to file annual international telecommunications traffic and revenue reports indicating whether or not IPTG provided services in 2014 and 2015, as required by section 43.62(b) of the Commission’s rules.²³ IPTG’s failure to adhere to the Commission’s rules designed to ensure its ability to communicate with the holder of the authorization and to verify if the holder is still providing service also warrants termination, wholly apart from IPTG’s non-compliance with the condition of its international section 214 authorization.

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 214, and 413 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 214, 413, and sections 1.47(h), 43.62, 63.18, 63.21, 63.22(h), 63.23(e), and 64.1195 of the Commission’s rules, 47 CFR §§ 1.47(h), 43.62, 63.18, 63.21, 63.22(h), 63.23(e), 64.1195, that the international section 214 authorization issued under File No. ITC-214-20090508-00208 IS HEREBY TERMINATED AND DECLARED NULL AND VOID.

8. IT IS FURTHER ORDERED that the request of the U.S. Department of Justice IS HEREBY GRANTED, to the extent set forth in this Order.

9. IT IS FURTHER ORDERED that a copy of this Order shall be sent registered mail, return receipt requested to IP To Go, LLC at its last known addresses. In addition, this Order shall be posted in the Commission’s Office of the Secretary.²⁴

10. IT IS FURTHER ORDERED that a copy of this Order, or a summary thereof, shall be published in the Federal Register.

11. This Order is issued on delegated authority under 47 CFR §§ 0.51, 0.261, and is effective upon release. Petitions for reconsideration under section 1.106 of the Commission’s rules, 47 CFR § 1.106, or applications for review under section 1.115 of the Commission’s rules, 47 CFR § 1.115, may be filed within 30 days of the date of the release of this Order.

²⁰ *Id.* In addition, there is no indication that IPTG is currently providing service to customers pursuant to its international section 214 authorization. If IPTG has discontinued service, it is also in violation of the Commission’s rules requiring prior notification to customers for such a discontinuance. 47 CFR § 63.19.

²¹ 47 CFR § 63.21(d).

²² 47 CFR § 43.62(b) (emphasis added). In 2013, the Commission adopted section 43.62(b) of its rules, which went into effect on February 11, 2015. *Reporting Requirements for U.S. Providers of International Telecommunications Services; Amendment of Part 43 of the Commission’s Rules*, IB Docket No. 04-112, Second Report and Order, 28 FCC Rcd 575 (2013); *Reporting Requirements for U.S. Providers of International Telecommunications Services*, 80 Fed. Reg. 7547 (Feb. 11, 2015).

²³ 47 CFR § 43.62(b). Furthermore, IPTG owes regulatory fees for fiscal year 2014 to the Commission; consequently, its account is red lighted through the Red Light Display System and IPTG may be in violation of the section 159(c)(3) of the Act and assessed financial penalties. 47 U.S.C. § 159(c)(3); 47 CFR § 1.1164(f). Action in this proceeding is without prejudice to actions involving those proceedings, and this order should not be construed as addressing those issues or violations.

²⁴ 47 CFR § 1.47(h).

FEDERAL COMMUNICATIONS COMMISSION

Denise Coca
Chief, Telecommunications and Analysis Division
International Bureau