



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 12th STREET S.W.  
WASHINGTON D.C. 20554

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DA No. 17-83

Report No. TEL-01834

Thursday January 19, 2017

## 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 47 CFR § 1.4(b)(2)).

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-214-20161215-00354** E Aspen Communications LLC  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 01/13/2017

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).

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**ITC-214-20161219-00355** E Audian, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 01/13/2017

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).

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**ITC-214-20161219-00356** E TCIPS, Inc.

International Telecommunications Certificate

**Service(s):** Global or Limited Global Resale Service

Grant of Authority

Date of Action: 01/13/2017

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).

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**ITC-ASG-20161214-00349** E Wabash Independent Networks, Inc.

Assignment

Grant of Authority

Date of Action: 01/13/2017

**Current Licensee:** Lightspeed Telecom LLC

**FROM:** Lightspeed Telecom LLC

**TO:** Wabash Independent Networks, Inc.

Application filed for consent to the assignment of international section 214 authorization, ITC-214-20161026-00289, held by Lightspeed Telecom LLC (Lightspeed) to Wabash Independent Networks, Inc. (WIN). WIN will acquire from Lightspeed substantially all of its assets and business as an ongoing operation, including operational assets, customer and supplier contracts, and international section 214 authorization, ITC-214-20161026-00289. WIN, an Illinois corporation, is wholly owned by Wabash Telephone Cooperative, Inc. (Wabash), an Illinois cooperative corporation. Wabash is owned by its member-subscribers, none of whom holds a ten percent or greater equity or voting interest in Wabash.

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

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**ITC-ASG-20161215-00352** E Accipiter Communications Incorporated

Assignment

Grant of Authority

Date of Action: 01/13/2017

**Current Licensee:** Accipiter Communications, Inc. (Debtor-in-Possession)

**FROM:** Accipiter Communications, Inc. (Debtor-in-Possession)

**TO:** Accipiter Communications Incorporated

Application filed for consent to the assignment of international section 214 authorization, ITC-214-20061026-00491, held by Accipiter Communications, Inc. (DIP) (Accipiter DIP) to Accipiter Communications Incorporated (Reorganized Accipiter). On March 28, 2014, Accipiter Communications, Inc. filed a voluntary Chapter 11 bankruptcy petition under Title II of the United States Code in the United States Bankruptcy Court for the District of Arizona (Bankruptcy Court). On September 29, 2016, Pinpoint Holdings, Inc. (Pinpoint) and the Official Committee of Unsecured Creditors filed a First Amended Chapter 11 Plan of Reorganization (Plan) with the Bankruptcy Court. The Plan contemplates that, on and after the effective date of the Plan, Accipiter DIP will cease to be debtor-in-possession and will be reorganized in accordance with applicable bankruptcy laws. In addition, the Plan provides that, upon emergence from bankruptcy all of the currently outstanding equity interest of Accipiter DIP will be cancelled and extinguished, and Reorganized Accipiter will authorize and issue new common stock to Pinpoint. As a result, Pinpoint, a Nebraska corporation, will be the sole shareholder of the outstanding common stock of Reorganized Accipiter. The Bankruptcy Court confirmed the Plan on December 14, 2016. Accipiter Communications Inc., d/b/a Zona Communications, Debtor. Chapter 11, Case No. 2:14-bk-04372-GBN. The following four individuals, all U.S. citizens, will hold ten percent or greater ownership interests in Pinpoint upon closing: J. Richard Shoemaker (25.83%), Eric B. Eisenhart (21.17%), William E. Shoemaker (13.21%), G. Franklin Shoemaker (12.72%). No other individual or entity holds a ten percent or greater direct or indirect equity or voting interest in Pinpoint.

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

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**ITC-ASG-20161220-00379** E FMTC I-35 Inc

Assignment

Grant of Authority

Date of Action: 01/13/2017

**Current Licensee:** Interstate 35 Telephone Company

**FROM:** Interstate 35 Telephone Company

**TO:** FMTC I-35 Inc

Application filed for consent to the assignment of international section 214 authorization, ITC-214-20160112-00016, held by Interstate 35 Telephone Company (Interstate 35) to FMTC-135, Inc. (FMTC). FMTC will acquire substantially all of the wireline assets of Interstate 35, including its international section 214 authorization, ITC-214-20160112-00016. FMTC is wholly owned by Farmers Mutual Telephone Company (Farmers Mutual), both Iowa corporations. No entity or individual holds ten percent or greater direct or indirect equity or voting interest in Farmers Mutual.

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

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ITC-T/C-20161110-00295 E

Hibernia Atlantic U.S. LLC

Transfer of Control  
Grant of Authority

Date of Action: 01/05/2017

**Current Licensee:** Hibernia Atlantic U.S. LLC

**FROM:** Murosa Development S.A R.L.

**TO:** GTT Communications, Inc.

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-20090612-00283, held by Hibernia Atlantic U.S. LLC (HB Atlantic), from Murosa S.a.r.l. d/b/a Murosa Development S.A R.L. (Murosa) to GTT Communications, Inc. (GTT). HB Atlantic, a Washington state corporation, is a direct, wholly-owned subsidiary of Hibernia NGS Limited (Hibernia NGS), an Irish company, which, in turn, is 51% majority-owned by Murosa, a Luxembourg company that is a majority-owned indirect subsidiary of KCK, Limited (KCK), a British Virgin Islands company. Columbia Ventures Corporation (CVC), a Washington state company, holds the remaining 49% ownership interest in Murosa. Pursuant to the terms of a Share Purchase Agreement, dated November 8, 2016, all of the issued and outstanding equity interests in Hibernia NGS will be sold by Murosa and CVC to GTT, a Delaware corporation. Upon consummation of the transaction, Hibernia NGS will become a direct, wholly-owned subsidiary of GTT, and HB Atlantic and the other subsidiaries of Hibernia NGS will become indirect wholly-owned subsidiaries of GTT.

The sole GTT shareholder with greater than a 10% equity and voting interest is Universal Telecommunications, Inc. (UTI), a Delaware corporation. UTI owns 18.2% of the equity interests in GTT and is 100% owned, controlled, and managed by Brian Thompson, a U.S. citizen. No other individual or entity will have a ten percent or greater direct or indirect equity or voting interest in UTI or GTT.

Applicants state that HB Atlantic, and its parent company, Hibernia NGS are parties to a September 30, 2010 Letter of Assurance, as amended by a December 15, 2014 Letter of Assurance (2014 LOA). See November 25, 2016 Supplement at 1. The 2014 LOA sets out commitments and undertakings of KCK, Hibernia NGS, and HB Atlantic to the Department of Homeland Security, the Department of Justice, and the Department of Defense, and is a condition on the cable landing license. Following closing of the transaction, Applicants state that HB Atlantic and HB NGS will remain subject to the 2014 LOA. A copy of the 2014 LOA is publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for ITC-T/C-20140820-00242 and accessing "Other filings related to this application" from the Document Viewing area.

We grant the Petition to Adopt Conditions to Authorizations and Licenses filed in this proceeding on January 5, 2017, by the Department of Homeland Security (DHS), on behalf of the U.S. Department of Justice (DOJ) and the Department of Defense (DOD). Accordingly, we condition grant of this international section 214 transfer of control application on compliance by GTT Communications, Inc. with the commitments and undertakings set forth in the January 4, 2017 letter from Anthony Hansel, VP, Deputy General Counsel, GTT Communications, Inc. to the Assistant Attorney General for National Security, DOJ, the Department of Defense Chief Information Officer, DOD, and the Assistant Secretary for Policy, DHS (2017 Letter), in which GTT agrees to become a party to, and assume the commitments contained in a Letter of Assurance dated September 30, 2010 from Hibernia Group ehf (2010 LOA) and a Letter of Assurance dated December 15, 2014 from KCK Limited, Hibernia NGS Limited, and Hibernia Atlantic U.S. LLC (2014 LOA) which amended the 2010 LOA. 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 underlying international section 214 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, 2017 Letter, 2010 LOA and 2014 LOA may be viewed on the FCC's website through the International Bureau Filing System (IBFS) by searching for ITC-T/C-20161110-00295 and accessing the "Other Filings related to this application" from the Document Viewing Area.

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

ITC-T/C-20170113-00007 E

UTC Long Distance LLC

Transfer of Control  
Grant of Authority

Date of Action: 01/18/2017

**Current Licensee:** UTC Long Distance LLC

**FROM:** United Communications Holdings, LLC

**TO:** United Communications Holdings, LLC

Notification filed January 13, 2017, of the pro forma transfer of control of international section 214 authorization, ITC-214-19970205-00061, held by UTC Long Distance LLC (UTC-LD), effective December 15, 2016. UTC-LD is a wholly-owned subsidiary of United Communications Holdings, LLC (UCH). UCH entered into an agreement with MSouth Equity Partners, L.P. (MSouth) to redeem some of the membership interests in UCH held by MSouth. As a result MSouth's voting interest in UCH was reduced from 61.2% to 58.2% and its equity interest was reduced from 51.3% to 48.2%.

**INFORMATIVE**

**ITC-214-19951015-00041** Birch Communications, Inc.

By letter dated January 13, 2017, Applicant notified the Commission that Primus Telecommunications, Inc. will be discontinuing its telecommunications services to customers located in Puerto Rico on January 10, 2017.

**ITC-214-19960215-00015** Birch Communications, Inc.

By letter dated January 13, 2017, Applicant notified the Commission that Primus Telecommunications, Inc. will be discontinuing its telecommunications services to customers located in Puerto Rico on January 10, 2017.

**ITC-214-19960705-00229** Birch Communications, Inc.

**INFORMATIVE**

By letter dated January 13, 2017, Applicant notified the Commission that Primus Telecommunications, Inc. will be discontinuing its telecommunications services to customers located in Puerto Rico on January 10, 2017.

**ITC-214-19971229-00821**

Level 3 Communications, LLC

By letter dated January 17, 2017, Applicant notified the Commission that TelCove Operations, LLC will be discontinuing its ISDN/PRI and Analog Phone services in the Savannah, Georgia metropolitan area on January 12, 2017.

## 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://transition.fcc.gov/ib/pd/pf/exclusionlist.html>. 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 traffic and revenue reports required by Section 43.62(b). See <http://www.fcc.gov/encyclopedia/international-traffic-and-revenue-report>.

(8) Carriers shall file annual circuit capacity reports required by Section 43.62(a). See <http://www.fcc.gov/encyclopedia/circuit-capacity-report>.

(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.

(14) Every carrier must designate an agent for service in the District of Columbia. See 47 U.S.C. § 413, 47 C.F.R. §§ 1.47(h), 64.1195.

#### 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:

None.

Facilities:

Any non-U.S.-licensed space station that has not received Commission approval to operate in the U.S. market pursuant to the procedures adopted in the Commission's DISCO II Order, IB Docket No. 96-111, Report and Order, FCC 97-399, 12 FCC Rcd 24094, 24107-72 paragraphs 30-182 (1997) (DISCO II Order). Information regarding non-U.S.-licensed space stations approved to operate in the U.S. market pursuant to the Commission's DISCO II procedures is maintained at [http://transition.fcc.gov/bureaus/ib/sd/se/market\\_access.html](http://transition.fcc.gov/bureaus/ib/sd/se/market_access.html).

This list is subject to change by the Commission when the public interest requires. The most current version of the list is maintained at <http://transition.fcc.gov/ib/pd/pf/exclusionlist.html>.

For additional information, contact the International Bureau's Telecommunications and Analysis Division, (202) 418-1480.