



# PUBLIC NOTICE

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

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DA No. 18-8

Report No. TEL-01884

Thursday January 4, 2018

## International Authorizations Granted

### Section 214 Applications (47 C.F.R. §§ 63.18, 63.24); Section 310(b) Petitions (47 C.F.R. § 1.5000)

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-214-20171130-00214 E Voigo Communications LLC

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Grant of Authority

Date of Action: 12/29/2017

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-20170914-00173** E

Sunset Fiber, LLC

Assignment

Grant of Authority

Date of Action: 12/29/2017

**Current Licensee:** BVU Authority

**FROM:** BVU Authority

**TO:** Sunset Fiber, LLC

Application filed for consent to the assignment of international section 214 authorizations, ITC-214-20020404-00165 and ITC-214-20051026-00434, held by BVU Authority (BVU), to Sunset Fiber, LLC (Sunset Fiber). BVU provides telecommunications services through its OptiNet System Division (OptiNet). Pursuant to an Asset Purchase Agreement, Sunset Fiber will acquire the OptiNet system assets.

Sunset Fiber will be a wholly-owned subsidiary of Sunset Digital Holdings, Inc. (Holdings). Holdings is owned by the following individuals and entity, all U.S. citizens: Paul Elswick (15%), Ryan Elswick (15%), H.I.G. Capital Partners V, L.P. (H.I.G V) (70%). No individual or entity has a ten percent or greater interest in H.I.G. V. H.I.G. Advisors V, LLC (H.I.G. Advisors), a Delaware entity, is the general partner of H.I.G. V. No individual or entity has a ten percent or greater interest in H.I.G. Advisors. H.I.G.-GP II, a Delaware corporation, is the manager of H.I.G. Advisors. Mr. Sami Mnaymneh and Mr. Anthony Tamer, both U.S. citizens, control H.I.G.-GP II.

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

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**ITC-T/C-20171031-00201** E

Network Billing Systems LLC

Transfer of Control

Grant of Authority

Date of Action: 12/29/2017

**Current Licensee:** Network Billing Systems LLC

**FROM:** Fusion Telecommunications International, Inc.

**TO:** BCHI Holdings, LLC

Application filed for consent to the transfer of control of Network Billing Systems, LLC (NBS), which holds international section 214 authorization ITC-214-19990127-00044, from its 100% indirect parent, Fusion Telecommunications International, Inc. (Fusion), to BCHI Holdings, LLC (BCHI Holdings). Pursuant to an August 27, 2017, Agreement and Plan of Merger, the shareholders of Birch Communications Holdings, Inc. (Birch Shareholders) will acquire approximately 75% of the issued and outstanding shares of Fusion and control of Fusion and its subsidiaries. To effectuate the transaction, Fusion has formed Fusion BCHI Acquisition LLC (Merger Sub) as a wholly-owned subsidiary. Merger Sub will merge into Birch Communications Holdings, Inc., with Merger Sub being the surviving entity. The Birch Shareholders will receive 75% of the issued and outstanding shares of Fusion, which will be held by BCHI Holdings. The remaining 25% of Fusion's stock will be held by the stockholders of Fusion at the time of the transaction.

Holcombe T. Green, Jr., a U.S. citizen, will own approximately 62% voting and equity interest in BCHI Holdings, and an attributable 75% indirect interest in Fusion and a 100% indirect interest in NBS. R. Kirby Godsey, a U.S. citizen, will own approximately 24% of the voting and equity interest in BCHI Holdings, resulting in an 18% indirect interest in Fusion and NBS. No other person or entity will hold a ten percent or greater direct or indirect equity or voting interest in BCHI Holdings, Fusion or NBS.

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://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 annual circuit capacity reports required by Section 43.62(a). See <http://www.fcc.gov/encyclopedia/circuit-capacity-report>.
- (8) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 C.F.R. §§ 1.20000 et seq.

(13) 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.