

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

In the Matter of)	WC Docket No. 13-242;
)	File Nos. ITC-214-20010220-00085,
Domestic Section 214 Authority and)	ITC-214-20010618-00348,
International Section 214 Authorizations of)	ITC-214-20020531-00293,
Angel Americas, LLC and Angel Mobile, Inc.)	ITC-214-20050315-00105,
)	ITC-214-20031020-00495,
)	ITC-214-20130429-00125, and
)	ITC-214-20131206-00337
)	(Terminated)

ORDER

Adopted: November 7, 2019

Released: November 7, 2019

By the Chief, Telecommunications and Analysis Division, International Bureau and by the Chief, Competition Policy Division, Wireline Competition Bureau:

I. INTRODUCTION

1. By this Order, we declare the domestic section 214 authority and the international section 214 authorizations granted to Angel Americas, LLC (Angel Americas)¹ and Angel Mobile, Inc. (Angel Mobile) (collectively, the “Angel Entities”)² terminated because of their failure to comply with an express condition for holding their authorizations. We also conclude that the Angel Entities 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 that the Angel Entities are still providing service. These failures have prevented any way of

¹ *International Authorizations Granted, Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) Requests*, Report No. TEL-01645, Public Notice, 28 FCC Rcd 16544 (IB 2013) (*2013 Angel Americas Grant PN*) (granting international section 214 authorization ITC-214-20130429-00125 to Angel Americas); *Applications Granted for the Transfer of Control of STI Prepaid, LLC and STI Telecom Inc. to Angel Americas LLC*, Public Notice, 29 FCC Rcd 7956 (WCB & IB 2014) (*2014 Angel Americas Grant PN*) (granting domestic transfer of control (WC Docket No. 13-242) and assignment of the following international section 214 authorizations to Angel Americas: ITC-214-20010220-00085, ITC-214-20010618-00348, ITC-214-20020531-00293, ITC-214-20050315-00105, and ITC-214-20031020-00495 (ITC-ASG-20130130-00035 & -00037)); U.S. Department of Justice (DOJ), including the Federal Bureau of Investigation (FBI), with the concurrence of the Department of Homeland Security (DHS), Petition to Adopt Conditions to Authorizations and Licenses, File Nos. ITC-ASG-20130130-00035, ITC-ASG-20130130-00037, ITC-214-20130429-00125, & WC Docket No. 13-242 (filed Nov. 18, 2013) (2013 Petition to Adopt Conditions); Letter from Roland J. Bopp, Chief Executive Officer, Angel Americas, LLC, to Mr. John Carlin, Acting Assistant Attorney General, National Security Division, DOJ (Nov. 15, 2013) (November 2013 LOA) (committing to abide by all of the commitments set out in the November 2013 LOA).

² *International Authorizations Granted, Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) Requests*, Report No. TEL-01683, Public Notice, 29 FCC Rcd 9189 (IB 2014) (*2014 Angel Mobile Grant PN*) (granting an international section 214 authorization to Angel Mobile (ITC-214-20131206-00337)); DOJ, with the concurrence of the DHS, Petition to Adopt Conditions to Authorizations and Licenses, File No. ITC-214-20131206-00337 (filed July 10, 2014) (2014 Petition to Adopt Conditions); Letter from Roland J. Bopp, Chief Executive Officer, Angel Americas, LLC, to Mr. John Carlin, Acting Assistant Attorney General, National Security Division, DOJ (July 7, 2014) (July 2014 LOA) (committing to abide by all of the commitments set out in the July 2014 LOA).

addressing the Angel Entities' failure to comply with the conditions of their domestic section 214 authority and their international section 214 authorizations.

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.³ 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."⁴

3. On December 11, 2013, the International Bureau granted Angel Americas international section 214 authority to provide facilities-based and resale service in accordance with sections 63.18(e)(1) and (e)(2) of the Commission's rules, conditioned upon Angel Americas abiding by the commitments and undertakings set forth in the November 2013 LOA between Angel Americas and DOJ.⁵ On June 27, 2014, Angel Americas acquired domestic section 214 authority and additional international section 214 authorizations when the Wireline Competition Bureau and International Bureau granted applications to transfer the domestic and international authorizations and assets of STi Prepaid, LLC and STi Telecom Inc. to Angel Americas, conditioned upon, among other things, Angel Americas' compliance with the November 2013 LOA.⁶ On July 10, 2014, the International Bureau granted Angel Mobile international section 214 authority to provide facilities-based and resale service in accordance with sections 63.18(e)(1) and (e)(2) of the Commission's rules, conditioned upon Angel Mobile's compliance with the commitments and undertakings set forth in the July 2014 LOA between Angel Mobile and DOJ.⁷

4. On January 21, 2016 and December 8, 2017,⁸ the DOJ notified the Commission of the Angel Entities' non-compliance with the conditions of their authorizations and requested that the Commission terminate, declare null and void, and no longer in effect, and/or revoke, the domestic and international section 214 authorizations held by the Angel Entities. DOJ asserted that the Angel Entities

³ 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).

⁴ 47 U.S.C. § 214(c).

⁵ 47 CFR § 63.18(e)(1), (2); *2013 Angel Americas Grant PN*; 2013 Petition to Adopt Conditions; November 2013 LOA.

⁶ *2014 Angel Americas Grant PN*; 2013 Petition to Adopt Conditions; November 2013 LOA.

⁷ 47 CFR § 63.18(e)(1), (2); *2014 Angel Mobile Grant PN*; 2014 Petition to Adopt Conditions; July 2014 LOA.

⁸ Letter from Richard Sofield, Director, Foreign Investment Review Staff, National Security Division, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC (Jan. 21, 2016) (January 21, 2016 DOJ Letter); Letter from Richard Sofield, Principal Deputy Chief, Foreign Investment Review Staff, National Security Division, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC (Dec. 8, 2017) (December 8, 2017 DOJ Letter and, together with the January 21, 2016 DOJ Letter, the DOJ Letters) (amending the original request in the January 21, 2016 DOJ Letter to include ITC-214-20130429-00125 and the correct authorization number for Angel Mobile (ITC-214-20131206-00037). We note that the DOJ Letters incorrectly listed ITC-214-20040618-00348 as one of Angel Americas' international section 214 authorizations. We included the correct authorization number (ITC-214-20010618-00348) in our letter sent to the Angel Entities on March 13, 2019. Letter from Denise Coca, Division Chief, International Bureau, Telecommunications and Analysis Division, International Bureau, FCC, and Pamela Arluk, Division Chief, Competition Policy Division, Wireline Competition Bureau, FCC, to Debbie Stahl, Angel Americas, LLC, and Tillman Zschucke, Angel Mobile, Inc. (March 13, 2019) (*Angels Entities Letter*).

are no longer in operation.⁹ DOJ stated that the Angel Entities have not complied with the terms of the November 2013 LOA and July 2014 LOA,¹⁰ compliance with which is an express condition of the Commission's grant of each of the authorizations held by the Angel Entities. In addition, DOJ made several attempts to contact the Angel Entities and had "difficulty in even finding individuals with whom to communicate on behalf of the Angel [E]ntities."¹¹

5. The Commission has made significant efforts to communicate with the Angel Entities but has also been unable to do so. On March 13, 2019, the International Bureau's Telecommunications and Analysis Division and the Wireline Competition Bureau's Competition Policy Division sent a letter to the Angel Entities at the last known addresses on record via certified, return receipt mail asking the Angel Entities to respond to the DOJ allegations and possible violations of the Commission's rules by April 12, 2019.¹² The *Angel Entities Letter* stated that failure to respond would be deemed as an admission of the facts alleged by DOJ and would result in the issuance of a Commission order to terminate the Angel Entities' domestic and international section 214 authorizations.¹³ We did not receive a response from the Angel Entities.¹⁴

6. Since that time, the International Bureau and Wireline Competition Bureau have provided the Angel Entities with an additional opportunity to respond to these allegations. On August 2, 2019, the Bureaus issued a Public Notice affording the Angel Entities a final notice and opportunity to respond to

⁹ January 21, 2016 DOJ Letter at 2 & n.1.

¹⁰ *Id.* at 1-2. DOJ adds that "[a]lthough the July 2014 LOA requires Angel Mobile to submit annual reports to the DOJ, the DOJ has never received an annual report from Angel Mobile." *Id.* at 2.

¹¹ *Id.* On May 13, 2015, DOJ attempted to contact Roland J. Bopp, the Chief Executive Officer of Angel Americas and Angel Mobile who signed the November 2013 LOA and the July 2014 LOA. *Id.* DOJ stated that "[t]he response received advised that Angel Americas had ceased to operate as of March 12, 2015, and that Angel Mobile never became operational and was a dormant entity." *Id.* DOJ was also notified that Mr. Bopp was no longer an appropriate point of contact for the Angel Entities, and that Marcel Schuster should instead be contacted. *Id.* Subsequently, on May 28, 2015, Marcel Schuster advised DOJ that he had resigned from all positions with Angel Americas and that "Angel Telecom" was in bankruptcy; Mr. Schuster also provided resignation letters from both himself and Roland Bopp. *Id.* In October 2015, DOJ indicated that the Angel Entities' prior counsel had informed DOJ that, to his knowledge, Angel Americas had ceased operations, and Angel Mobile had never become operational. *Id.* DOJ added that according to open-source searches, the Secretary of State for Nevada lists Angel Mobile's business license expiration date as October 31, 2015 and that a DOJ January 8, 2016 telephone call to a number for Angel Americas returned only an automated message advising that the number was not in service. *Id.*

¹² *Angel Entities Letter*.

¹³ *Id.* at 3.

¹⁴ On March 13, 2019, the Commission sent the *Angel Entities Letter* and the DOJ Letters via certified, return receipt requested mailings to: (1) Ms. Debbie Stahl, Angel Americas, LLC (1250 Broadway, 25th Floor, New York, New York 10001); (2) Mr. Tillman Zschucke, Angel Mobile (1250 Broadway, 25th Floor, New York, New York 10001); (3) Peter Waneck, Angel Americas, LLC (919 3rd Avenue, 11th Floor, New York, New York 10022). Those mailings were all returned as undeliverable. The Commission also sent the *Angel Entities Letter* and DOJ Letters via certified, return receipt requested mailings to: (1) Angel Americas, LLC c/o NRAI Services, Inc. (now CT Corporation System) (1200 South Pine Island Road, Plantation Florida 33324); (2) Angel Americas, LLC c/o National Registered Agent (1015 15th Street NW, Suite 1000, Washington DC 20005); and (3) Peter Waneck, Angel Telecom Holding AG (Chalchrain 16, 6315 Oberaegeri, Zurich, Switzerland). We received signed return receipts from those mailings. In addition, on March 29, 2019, we received a letter from CT Corporation System stating that "Angel Americas, LLC is not listed on our records or on the records of the State of DC [and that] CT was unable to forward." Letter from CT Corporation System to Denise Coca, Division Chief, Telecommunications and Analysis Division, International Bureau, FCC (March 18, 2019).

the letters submitted by the DOJ.¹⁵ The Bureaus stated that failure to respond would result in termination of the Angel Entities' domestic section 214 authority and international section 214 authorizations for failure to comply with the conditions of their authorizations.¹⁶ To date, the Angel Entities have not responded to any of the Bureaus' or the DOJ's multiple requests to resolve this matter.

III. DISCUSSION

7. We determine that the domestic section 214 authority and the international section 214 authorizations held by the Angel Entities to provide domestic and international services have terminated due to the failure of the Angel Entities to comply with the express conditions of their Commission authorizations. The Wireline Competition Bureau and the International Bureau provided the Angel Entities with notice and opportunity to respond to the allegations set out in the DOJ Letters alleging the Angel Entities' non-compliance with the conditions of their authorizations. The Angel Entities have not responded to any of our multiple requests or requests from DOJ.¹⁷ We find that the repeated failure of the Angel Entities to respond to our requests demonstrates that they have failed to satisfy the LOA commitments, which the DOJ relied upon in providing its non-objection to the grant of their applications, and compliance with which is a condition of Commission grant of their section 214 authorizations to provide domestic and international facilities-based and resale service.

8. 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."¹⁸ The Angel Entities failed to inform the Commission of changes in their business status of providing international telecommunications services, as required by the rules.¹⁹ Finally, as part of their authorizations, the Angel Entities were required to file annual international telecommunications traffic and revenue reports, as required by section 43.62 of the Commission's rules, which was in effect until April 2018.²⁰ Section

¹⁵ *Final Notice of Intent to Declare the International Section 214 Authorizations and Domestic Section 214 Authority of Angel Americas, LLC and Angel Mobile, Inc. Terminated*, File Nos. ITC-214-20010220-00085, ITC-214-20010618-00348, ITC-214-20020531-00293, ITC-214-20050315-00105, ITC-214-20031020-00495, ITC-214-20130429-00125, and ITC-214-20131206-00337 and WC Docket No. 13-242, Public Notice, DA 19-739 (IB & WCB Aug. 2, 2019) (*Angel Entities Public Notice*). The Bureau staff did not mail the *Angel Entities Public Notice* to the addresses of record from which mailings had previously been returned as undeliverable. We sent the *Angel Entities Public Notice* to Angel Americas, LLC c/o National Registered Agent (1015 15th Street NW, Suite 1000, Washington DC 20005) and on August 13, 2019, we received a signed return receipt from an individual from the National Registered Agent. We also sent the *Angel Entities Public Notice* to Peter Waneck, Angel Telecom Holding AG (Chalchrain 16, 6315 Oberaegeri, Zurich, Switzerland), which was returned as undeliverable. We also posted the *Angel Entities Public Notice* in the Commission's Office of the Secretary in accordance with section 1.47(h) of the Commission's rules. 47 CFR § 1.47(h).

¹⁶ *Angel Entities Public Notice* at 2.

¹⁷ We do not find that each and every attempt to contact the Angel Entities was legally necessary for termination of these authorizations, but these attempts were undertaken out of an abundance of caution.

¹⁸ 47 CFR § 63.21(a). A similar requirement is also broadly applicable to other Commission proceedings, including those involving domestic section 214 authorizations. See 47 CFR § 1.65 (requiring 30-day notice of changes in Commission applications and proceedings).

¹⁹ *Id.* In addition, there is no indication that the Angel Entities are currently providing service to customers pursuant to their section 214 authorizations. If the Angel Entities have discontinued service, they may also be in violation of the Commission's rules requiring prior notification for such a discontinuance. 47 CFR §§ 63.19; 63.71.

²⁰ 47 CFR § 43.62(b). 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.

(continued....)

43.62(b) stated 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.”²¹ Our records indicate that the Angel Entities failed to file annual international telecommunications traffic and revenue reports indicating whether or not the Angel Entities provided services in 2014 and 2015, as required by section 43.62(b) of the Commission’s rules.²² The failure of Angel Americas and Angel Mobile to adhere to the Commission’s rules designed to ensure its ability to communicate with the holder of the authorizations and to verify if the holder is still providing service also warrants termination, wholly apart from their non-compliance with the conditions of their domestic section 214 authority and their international section 214 authorizations.

IV. ORDERING CLAUSES

9. 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, 63.03, 63.04, 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, 63.03, 63.04, 63.18, 63.21, 63.22(h), 63.23(e), 64.1195, that the domestic and international section 214 authorizations issued under WC Docket No. 13-242, File Nos. ITC-214-20010220-00085, ITC-214-20010618-00348, ITC-214-20020531-00293, ITC-214-20050315-00105, ITC-214-20031020-00495, ITC-214-20130429-00125 and ITC-214-20131206-00337 ARE HEREBY TERMINATED AND DECLARED NULL AND VOID.

10. IT IS FURTHER ORDERED that the request of the U.S. Department of Justice, including the Federal Bureau of Investigation, with the concurrence of the Department of Homeland Security, IS HEREBY GRANTED to the extent set forth in this Order.

11. IT IS FURTHER ORDERED that this Order shall be posted in the Commission’s Office of the Secretary.²³

12. This Order is issued on delegated authority under 47 CFR §§ 0.51, 0.261, 0.91, 0.291 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.

7547 (Feb. 11, 2015). On October 24, 2017, the Commission eliminated the annual traffic and revenue reporting requirement. *Section 43.62 Reporting Requirements for U.S. Providers of International Services; 2016 Biennial Review of Telecommunications Regulations*, IB Docket Nos. 17-55 and 16-131, Report and Order, 32 FCC Rcd 8115, 8119, paras. 8-23 (2017); *Section 43.62 Reporting Requirements for U.S. Providers of International Services; 2016 Biennial Review of Telecommunications Regulations*, 83 Fed. Reg. 17931 (Apr. 25, 2018).

²¹ 47 CFR § 43.62(b) (emphasis added).

²² *Id.*

²³ 47 U.S.C. § 413; 47 CFR § 1.47(h).

FEDERAL COMMUNICATIONS COMMISSION



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