



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA No. 19-1214

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Wednesday November 27, 2019

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.

Petition for Declaratory Ruling
Grant of Authority

Date of Action: 11/27/2019

Puerto Rico Telephone Company, Inc. (PRTC or Petitioner) has filed a petition (Petition) requesting a declaratory ruling, pursuant to section 1.5000(a)(1) of the Commission's rules, 47 CFR § 1.5000(a)(1), that it would not serve the public interest to prohibit PRTC from exceeding the 25 percent foreign ownership benchmark in section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 310(b)(4). According to the Petition, PRTC holds the following types of radio licenses to which section 310(b) is applicable: Advanced Wireless Service, Cellular, Common Carrier Fixed Point-to-Point Microwave, Digital Electronic Message Service - Common Carrier, PCS Broadband, and 700 MHz Lower Band. PRTC is also the lessee of certain spectrum in the Educational Broadband Service.

PRTC is a wholly-owned direct and indirect subsidiary of Telecomunicaciones de Puerto Rico, Inc. (TELPRI), a corporation organized under the laws of the Commonwealth of Puerto Rico, and America Movil, S.A.B. de C.V. (America Movil), a publicly traded company organized under the laws of Mexico, respectively. America Movil is controlled by Mr. Carlos Slim Helu and certain members of his family (the "Slim Family"), all of whom are citizens of Mexico. PRTC has filed the instant Petition to obtain additional flexibility for America Movil and the Slim Family to enter into potential business transactions that could increase the Slim Family's equity ownership and voting interests in America Movil and, consequently, in TELPRI, up to and including 100 percent. America Movil stipulates as a condition for the grant of the Petition that, should it ever intend to take steps that would cause it to cease being subject to the transparency and disclosure obligations of a public company at a future date, it will seek prior Commission approval by filing another section 310(b)(4) petition for declaratory ruling.

Petitioner notes that the Commission has previously approved 100 percent foreign ownership of PRTC's controlling U.S. parent, TELPRI, by America Movil through a series of named subsidiaries organized in Mexico, up to and including 100 percent of the equity and voting interests in TELPRI (citing Verizon Communications, Inc., Transferor, and America Movil, S.A. de C.V., FCC 07-43, 22 FCC Rcd 6195 (2007) (TELPRI Order)). At the time, the Slim Family had a 32.33% equity and 66.21% voting interest in America Movil. In subsequent rulings, the Commission has authorized the Slim Family to increase its equity and voting interests in America Movil (citing International Authorizations Granted, Public Notice, ISP-PDR-20100623-00012, DA 11-259, 26 FCC Rcd 1359 (IB 2011) (permitting 40.18% equity interest by the Slim Family); International Authorizations Granted, Public Notice, ISP-PDR-20120820-00004, DA 12-1740, 27 FCC Rcd 13434 (IB 2012) (permitting up to 49.99 percent equity interest by the Slim Family)). Most recently, the Commission authorized the Slim Family to increase its direct and indirect interests in America Movil up to and including a 75 percent equity and 95 percent voting interest (International Authorizations Granted, Public Notice, ISP-AMD-20160302-00004 and ISP-PDR-20140707-00004, DA 16-337, 31 FCC Rcd 2270 (IB 2016)).

The following entities hold, directly or indirectly, a ten percent or greater equity and/or voting interest in TELPRI: Tenedora Telpri, S.A. de C.V. (Tenedora) (100% direct equity and voting interest); Radiomovil Dipsa, S.A. de C.V. (Telcel) (99.99% direct equity and voting interest in Tenedora); Sercotel, S.A. de C.V. (Sercotel) (99.99% direct equity and voting interest in Telcel); America Movil (99.99% direct equity and voting interest in Sercotel). America Movil's wholly-owned indirect subsidiary, Amov IV, S.A. de C.V., holds the remaining 00.01% ownership interests in Sercotel, Telcel, and Tenedora. All of these entities are organized in Mexico.

According to the Petition, as of August 17, 2017, the Slim Family holds 62.87 percent of the equity and 88.79 percent of the voting interests in America Movil through shares held individually by Slim Family members and through: a Mexican trust (the "Family Trust") (25.57% equity and approximately 51.36% voting interests); Inversora Carso S.A. de C.V. (f/k/a Inmobiliaria Carso S.A. de C.V.) (9.49% equity and approximately 20.09% voting interests); Control Empresarial de Capitales, S.A. de C.V. (6.25% equity and approximately 0.56% voting interests); and Grupo Financiero Inbursa S.A.B. de C.V. (1.69% equity interest). Other than Carlos Slim Helu, no individual member of the Slim Family holds 5 percent or greater voting interest in America Movil. According to the Petition, the remaining shares of America Movil are held by Mexican and other foreign investors as well as by registered holders of American Depositary Shares with U.S. addresses.

Pursuant to section 1.5001(i) of the rules, the Petitioner requests that the Commission specifically approve the foreign equity and voting interests held directly or indirectly in TELPRI by the above-described foreign entities and individuals. It also requests, pursuant to section 1.5001(k) of the rules, advance approval for the foreign entities with a controlling interest in TELPRI (i.e., Telcel, Sercotel, and the Slim Family) to increase their interests, at some future time, up to any amount, including 100 percent of the equity and voting interests in TELPRI.

On November 1, 2017, the U.S. Department of Justice (DOJ), with the concurrence of the U.S. Department of Homeland Security (DHS) and the U.S. Department of Defense (together, the Executive Branch Agencies), filed a letter requesting that the Commission defer action on the Petition while the Agencies reviewed the matter for potential national security, law enforcement, and public safety concerns. On November 12, 2019, PRTC filed a letter with the Commission stating that America Movil and TELPRI have agreed with DOJ and DHS to terminate their existing Security Agreement (2006 Security Agreement), entered into as part of the TELPRI proceeding, and to enter into an amended and restated National Security Agreement with DOJ (2019 NSA). According to PRTC, the Effective Date for the Termination Agreement and the 2019 NSA will be the date the Commission grants the instant section 310(b)(4) Petition. Letter from Nancy Victory, Counsel for PRTC, to Marlene H. Dortch, Secretary, FCC (Nov. 12, 2019) (PRTC Nov. 12, 2019 Letter) (attaching the Termination Agreement, dated Nov. 8, 2019, and the 2019 NSA, dated Nov. 7, 2019). PRTC requests that, as of the Effective Date, the Commission remove the condition adopted in the TELPRI Order requiring compliance with the 2006 Security Agreement and adopt, in its place, a new condition associated with the 2019 NSA. On November 12, 2019, the Executive Branch Agencies filed a letter advising that they have no objection to grant of the Petition based on PRTC's Nov. 12, 2019 Letter as well as the Agencies' analysis of the information PRTC provided to the Agencies. Letter from Hunter Deeley, Attorney Advisor, National Security Division, DOJ, to Marlene H. Dortch, Secretary, FCC (Nov. 12, 2019).

Pursuant to the rules and policies established by the Commission's Foreign Ownership Second Report and Order in IB Docket No. 11-133, FCC 13-50, 28 FCC Rcd 5741 (2013), as amended in GN Docket No. 15-236, FCC 16-128, 31 FCC Rcd 11272 (2016), we find that the public interest would not be served by prohibiting foreign ownership of PRTC in excess of the 25 percent benchmark in section 310(b)(4) of the Act. This ruling authorizes aggregate foreign ownership of PRTC's controlling U.S. parent, TELPRI, to exceed, directly and/or indirectly, 25 percent of TELPRI's equity and/or voting interests, subject to the terms and conditions set forth in section 1.5004 of the Commission's rules, 47 CFR § 1.5004, including the requirement to obtain Commission approval before foreign ownership of TELPRI exceeds the terms and conditions of this ruling.

ITC-T/C-20191018-00169 E

Axxis Communication Inc.

Transfer of Control

Grant of Authority

Date of Action: 11/22/2019

Current Licensee: Axxis Communication Inc.

FROM: Dan Bubb

TO: Blue Mountain Networks LLC

Application filed for consent to the transfer of control of Axxis Communications, Inc. (Axxis Communications), a Oregon corporation that holds international section 214 authorization, ITC-214-20080808-00380, from its 100% owner Dan Bubb, to Blue Mountain Networks, LLC (Blue Mountain Networks), a Delaware limited liability company. Pursuant to the terms of a Stock Purchase Agreement executed between the parties on October 2, 2019, Blue Mountain Networks proposes to purchase all outstanding common shares of Axxis Communications from Mr. Bubb. Upon closing Axxis will become a direct wholly owned subsidiary of Blue Mountain Networks. Blue Mountain Networks is 98% owned by Blue Mountain Holdings, LLC (Blue Mountain Holdings), a Delaware limited liability company. ZRF Partners, LLC (ZRF Partners), a New Jersey limited liability company, is the managing member of and controls Blue Mountain Holdings. The following individuals and entity hold 10% or greater ownership interests in ZRF Partners: Sardar Faisal Nisar, a U.S. citizen, is the owner of ZRF Partners and he owns approximately 15-25% of Blue Mountain Holdings; Saba N. Nisar Spousal Lifetime Access Trust, a U.S. entity, holds approximately 15-25% interest in Blue Mountain Holdings (Trustee: Nadeem Nisar; Beneficiaries: Nadeem Nisar and his children Aleezae Nisar, Waleed Nisar, and Anya Nisar, all of whom are U.S. citizens); and Stephen Thomas Barraclough, a U.S. citizen, holds approximately 15-20% interest in Blue Mountain Holdings. No other entity or individual is expected to own 10% or greater direct or indirect ownership interest in Axxis after closing.

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

ITC-T/C-20191018-00170 E

Eastern Oregon Telecom, LLC

Transfer of Control

Grant of Authority

Date of Action: 11/22/2019

Current Licensee: Eastern Oregon Telecom, LLC

FROM: Eastern Oregon Holding Company, LLC

TO: Blue Mountain Networks LLC

Application filed for consent to the transfer of control of Eastern Oregon Telecom, LLC (Eastern Oregon Telecom), an Oregon limited liability company that holds international section 214 authorization, ITC-214-20001113-00654, and is a wholly owned subsidiary of Eastern Oregon Holding Company, LLC (Eastern Oregon Holding Company), to Blue Mountain Networks, LLC (Blue Mountain Networks), a Delaware limited liability company. Pursuant to the terms of an Equity Purchase Agreement executed between the parties on September 13, 2019, Blue Mountain Networks proposes to acquire all membership interests of Eastern Oregon Telecom from Eastern Oregon Holding Company. Upon closing, Eastern Oregon Telecom will be a wholly owned direct subsidiary of Blue Mountain Networks. Blue Mountain Networks is 98% owned by Blue Mountain Holdings, LLC (Blue Mountain Holdings), a Delaware limited liability company. ZRF Partners, LLC (ZRF Partners), a New Jersey limited liability company, is the managing member of and controls Blue Mountain Holdings. The following individuals and entity hold 10% or greater ownership interests in ZRF Partners: Sardar Faisal Nisar, a U.S. citizen, is the owner of ZRF Partners and he owns approximately 15-25% of Blue Mountain Holdings; Saba N. Nisar Spousal Lifetime Access Trust, a U.S. entity, holds approximately 15-25% interest in Blue Mountain Holdings (Trustee: Nadeem Nisar; Beneficiaries: Nadeem Nisar and his children Aleezae Nisar, Waleed Nisar, and Anya Nisar, all of whom are U.S. citizens); and Stephen Thomas Barraclough, a U.S. citizen, holds approximately 15-20% interest in Blue Mountain Holdings. No other entity or individual is expected to own 10% or greater direct or indirect ownership interest in Eastern Oregon Telecom after closing.

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

Transfer of Control
Grant of Authority

Date of Action: 11/22/2019

Current Licensee: Arena One, LLC

FROM: Arena One, LLC

TO: Thompson Street Capital Partners V, L.P.

Application filed for consent to the transfer of control of Arena One, LLC (Arena One), a New York limited liability company that holds international section 214 authorization, ITC-214-20130909-00245, to Thompson Street Capital Partners V, L.P. (Thompson Street), is a Delaware limited partnership. Pursuant to a Membership Interests Purchase Agreement (MIPA) dated October 21, 2019, Thompson Street seeks to acquire Arena One. Pursuant to MIPA's terms, Arena One will be acquired by BCM One Group Holdings, Inc. (Holding Company), a Delaware corporation. Thompson Street holds approximately 70% of the equity and voting interests in the Holding Company. The remaining approximately 30% of the Holding Company is held separately and independently by certain individual investors, certain lender co-investors, and other commercial partners. Except for Thompson Street, no interest holder ultimately has equity or voting shares of 10% or greater in Holding Company.

Thompson Street Capital V GP, L.P. (Thompson Street GP), a Delaware limited partnership, is the general partner of Thompson Street. None of the limited partners of Thompson Street GP's limited partners, all of whom are insulated pursuant to the Commission's rules, 47 C.F.R. § 1.5003, hold 10% or greater interest in Thompson Street. Thompson Street Capital, LLC (Thompson Street Capital), a Delaware limited liability company, is the general partner of Thompson Street GP. Its sole member is James A. Cooper, a U.S. citizen. One of Thompson Street GP's limited partners Thompson Street Capital Manager LLC (Thompson Street Manager), a Delaware limited liability company, owns approximately 16.9% of the equity of Thompson Street GP. The only other limited partners that own 10% or more of the equity of Thompson Street GP are two individuals, James A. Cooper and Robert C. Dunn, both U.S. citizens. The current members of Thompson Street Manager are James A. Cooper and Robert C. Dunn. No other entity or individual will hold 10% or greater direct or indirect equity or ownership interest in Arena One after closing.

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

SURRENDER

ITC-214-19920105-00138

ConvergeOne Licensing Holdings, Inc.

Applicant notified the Commission of the Surrender of its international section 214 authorization effective November 14, 2019.

ITC-214-20020829-00434

ConvergeOne Licensing Holdings, Inc.

Applicant notified the Commission of the Surrender of its international section 214 authorization effective November 14, 2019.

ITC-214-20030214-00100

ConvergeOne Licensing Holdings, Inc.

Applicant notified the Commission of the Surrender of its international section 214 authorization effective November 14, 2019.

ITC-214-20090901-00405

ConvergeOne Licensing Holdings, Inc.

Applicant notified the Commission of the Surrender of its international section 214 authorization effective November 14, 2019.

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) International facilities-based service providers must file and maintain a list of U.S.-international routes on which they have direct termination arrangements with a foreign carrier. 47 CFR § 63.22(h). A new international facilities-based service provider or one without existing direct termination arrangements must file its list within thirty (30) days of entering into a direct termination arrangement(s) with a foreign carrier(s). Thereafter, international facilities-based service providers must update their lists within thirty (30) days after adding a termination arrangement for a new foreign destination or discontinuing an arrangement with a previously listed destination. See Process For The Filing Of Routes On Which International Service Providers Have Direct Termination Arrangements With A Foreign Carrier, ITC-MS-20181015-00182, Public Notice, 33 FCC Rcd 10008 (IB 2018).
- (8) Any U.S. Carrier that owned or leased bare capacity on a submarine cable between the United States and any foreign point must file a Circuit Capacity Report to provide information about the submarine cable capacity it holds. 47 CFR § 43.82(a)(2). See <https://www.fcc.gov/circuit-capacity-data-us-international-submarine-cables>.
- (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.

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.