

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

In the Matter of	)	ITC-214-20080718-00329
	)	(Terminated)
Cablemas International Telecomm, LLC	)	
Termination of International Section 214	)	
Authorization	)	

**ORDER**

**Adopted: March 19, 2019**

**Released: March 19, 2019**

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

**I. INTRODUCTION**

1. By this Order, we declare Cablemas International Telecomm, LLC's (Cablemas) international Section 214 authorization terminated because of Cablemas' inability to comply with an express condition for holding the authorization.<sup>1</sup> We also conclude that Cablemas 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 Cablemas is still providing service. These failures have prevented any way of addressing Cablemas' 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.<sup>2</sup> 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."<sup>3</sup>

3. On December 4, 2008, the International Bureau (Bureau) granted Cablemas an international Section 214 authorization to provide facilities-based and resale service in accordance with Sections 63.18(e)(1) and (2) of the Commission's rules.<sup>4</sup> The Bureau granted the authorization on the express condition that Cablemas abide by the commitments and undertakings contained in its November

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<sup>1</sup> The International Bureau granted Cablemas' authorization under File No. ITC-214-20080718-00329. *International Authorizations Granted*, Report No. TEL-01331, Public Notice, 23 FCC Rcd 17386 (IB 2008) (granting Cablemas authority to provide facilities-based and resale service pursuant to Sections 63.18(e)(1) and (e)(2) of the Commission's rules and conditioning grant of the application on Cablemas abiding by the commitments and undertakings contained in its November 19, 2008 letter to the U.S. Department of Homeland Security (DHS)) (*Cablemas Authorization*).

<sup>2</sup> 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).

<sup>3</sup> 47 U.S.C. § 214(c).

<sup>4</sup> *Cablemas Authorization*, 23 FCC Rcd 17386; 47 CFR § 63.18(e)(1), (2).

19, 2008 Letter of Assurance (LOA) to DHS.<sup>5</sup> The LOA outlines the commitments made by Cablemas to address national security, law enforcement, and public safety concerns.<sup>6</sup>

4. On March 6, 2018, DHS notified the Commission of Cablemas' non-compliance with the condition of its authorization and requested that the Commission terminate, declare null and void and no longer in effect Cablemas' international Section 214 authorization.<sup>7</sup> DHS assesses that Cablemas is no longer in business based on its attempts to contact the company and evidence acquired through open-source research.<sup>8</sup>

5. The Commission has made significant efforts to communicate with Cablemas but has been unable to do so. On July 17, 2018, Bureau staff attempted to contact J. Steven Rich, a point of contact on Cablemas' international Section 214 application. By letter dated July 27, 2018, Andrew J. Erber of Paul Hastings LLP ("the Firm") notified the Commission that Mr. Rich is no longer employed at the Firm and the Firm no longer represents Cablemas.<sup>9</sup> On September 6, 2018, the Bureau's Telecommunications and Analysis Division sent a letter to Cablemas at the last address of record, requesting that Cablemas respond to the allegations by DHS and possible violations of the Commission's rules by October 8, 2018.<sup>10</sup> The Corporation Trust Company received the *Cablemas Letter*, and on September 10, 2018 responded, stating that "representation services were discontinued and all process sent to the last known address on our records was returned as undeliverable."<sup>11</sup> Since that time, the Bureau has provided Cablemas with an additional opportunity to respond to these allegations.<sup>12</sup> The Bureau stated that failure to respond would result in termination of Cablemas' international Section 214 authorization for failure to comply with the condition of its authorization. To date, Cablemas has not responded to any of the Bureau's or DHS' multiple requests to resolve this matter.

### III. DISCUSSION

6. We determine that Cablemas' international Section 214 authorization to provide services issued under File No. ITC-214-20080718-00329 has terminated due to Cablemas' inability to comply with an express condition for holding the international Section 214 authorization. We provided Cablemas with notice and opportunity to respond to the allegations in the March 6, 2018 DHS Letter concerning

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<sup>5</sup> *Cablemas Authorization*, 23 FCC Rcd 17386; Petition of the U.S. Department of Homeland Security and U.S. Department of Justice to Adopt Conditions to Authorizations and Licenses, File No. ITC-214-20080718-00329 (Nov. 20, 2008); Letter from Carlos Miguel Alvarez Figueroa, Chief Executive Officer, Cablemas International Telecomm, LLC to Stewart A. Baker, Assistant Secretary of Policy, U.S. Department of Homeland Security (Nov. 19, 2008) (LOA).

<sup>6</sup> LOA at 1-2.

<sup>7</sup> Letter from Phil Ludvigson, Director, Foreign Investment Risk Management, Office of Policy, U.S. Department of Homeland Security, to Marlene H. Dortch, Secretary, FCC (filed Mar. 6, 2018) (DHS Letter).

<sup>8</sup> *Id.* at 1-2.

<sup>9</sup> Letter from Andrew Erber, Paul Hastings LLP, to Marlene H. Dortch, Secretary, FCC (July 27, 2018).

<sup>10</sup> Letter from Denise Coca, Chief, Telecommunications and Analysis Division, International Bureau, FCC to Mr. Carlos Miguel Alvarez Figueroa, CEO, Cablemas Telecomm, LLC, Corporation Trust Center (Sept. 6, 2018) (*Cablemas Letter*). The letter was sent via certified mail, return receipt requested to the address on Cablemas' international Section 214 application (Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801).

<sup>11</sup> Letter from The Corporation Trust Company to Denise Coca, Division Chief, Telecommunications and Analysis Division, International Bureau, FCC (Sept. 10, 2018) (stating that because the Corporation Trust Company did not have any other addresses in its files, it returned the letter to the Commission and is filing resignation of agent in all states where permitted).

<sup>12</sup> *Final Notice of Intent to Declare the International Section 214 Authorization of Cablemas LLC Terminated*, Public Notice, DA 18-1199 (IB Nov. 27, 2018) (*Cablemas Public Notice*). Because the *Cablemas Letter* was undeliverable, the *Cablemas Public Notice* was posted in the Commission's Office of the Secretary. 47 CFR § 1.47(h).

Cablemas' non-compliance with the condition of the grant. Cablemas has not responded to any of our multiple requests or requests from DHS. We find that Cablemas' failure to respond to our requests demonstrates that it is unable to satisfy the commitments in the LOA, which DHS and the U.S. Department of Justice (DOJ) relied upon in providing their non-objection to the grant of the authorization to Cablemas, and compliance with which is a condition of the grant of Cablemas' international Section 214 authorization to provide facilities-based and resale service.<sup>13</sup>

7. 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."<sup>14</sup> Cablemas has failed to inform the Commission of any changes in its business status of providing international telecommunications services, as required by the Commission's rules.<sup>15</sup> Finally, as part of its authorization, Cablemas was required to file an annual international telecommunications traffic and revenue report as required by Section 43.62 of the Commission's rules, which was in effect until April 2018.<sup>16</sup> Section 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."<sup>17</sup> Our records indicate that Cablemas failed to file annual international telecommunications traffic and revenue reports indicating whether or not Cablemas provided services in 2014 and 2015, as required by Section 43.62(b) of the Commission's rules.<sup>18</sup> Cablemas' 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 Cablemas' non-compliance with the condition of its international Section 214 authorization.

#### IV. ORDERING CLAUSES

8. 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, 63.19, 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, 63.19, 63.21, 63.22(h), 63.23(e), 64.1195, that the international Section 214 authorization issued under File No. ITC-214-20080718-00329 IS HEREBY TERMINATED AND DECLARED NULL AND VOID.

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

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<sup>13</sup> *Cablemas Authorization*, 23 FCC Rcd 17386.

<sup>14</sup> 47 CFR § 63.21(a).

<sup>15</sup> *Id.* In addition, there is no indication that Cablemas is currently providing service pursuant to its international Section 214 authorization. If Cablemas has discontinued service, it may also be in violation of the Commission's rules requiring prior notification for such a discontinuance. 47 CFR § 63.19.

<sup>16</sup> 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. 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 (2017); *Section 43.62 Reporting Requirements for U.S. Providers of International Services; 2016 Biennial Review of Telecommunications Regulations*, 83 Fed. Reg. 17931 (April 25, 2018).

<sup>17</sup> 47 CFR § 43.62(b) (emphasis added).

<sup>18</sup> 47 CFR § 43.62(b).

10. This Order shall be posted in the Commission's Office of the Secretary.<sup>19</sup>

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.

FEDERAL COMMUNICATIONS COMMISSION

Denise Coca  
Chief, Telecommunications and Analysis Division  
International Bureau

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<sup>19</sup> 47 CFR § 1.47(h).