



Federal Communications Commission
Washington, DC 20554

June 1, 2020

DA 20-575

Andrew D. Lipman
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BY ELECTRONIC MAIL

Re: In the Matter of China Telecom (Americas) Corporation, GN Docket No. 20-109; File Nos. ITC-214-20010613-00346; ITC-214-20020716-00371; ITC-T/C-20070725-00285

Dear Mr. Lipman:

By this letter, we ask China Telecom (Americas) Corporation (China Telecom Americas) to respond to the Department of Justice's May 19, 2020 letter regarding suppression of any Foreign Intelligence Surveillance Act of 1978 (FISA)¹ material when it files its response to the Order to Show Cause, due June 8, 2020.²

On May 1, 2020, China Telecom Americas filed a letter requesting that the Commission "disclose to [China Telecom Americas] any and all FISA-related, obtained, or derived information related to [China Telecom Americas] in the Commission's possession . . ."³ On May 19, 2020, the U.S. Department of Justice filed a letter stating "it is unclear from China Telecom [Americas'] recent correspondence whether it is attempting to challenge the legality of the FISA surveillance at issue in this matter and purporting to ask the FCC to suppress from its consideration any material obtained or derived from FISA."⁴ The Department of Justice "requests that the Commission require China Telecom [Americas] to clarify by

¹ 50 U.S.C. § 1801 *et seq.*

² *China Telecom (Americas) Corporation*, GN Docket No. 20-109 et al., Order to Show Cause, DA 20-448 (Apr. 24, 2020) (*Order to Show Cause*); Letter from Denise Coca, Chief, Telecommunications and Analysis Division, FCC International Bureau, to Andrew D. Lipman, Counsel to China Telecom (Americas) Corporation, Morgan, Lewis & Bockius LLP (May 14, 2020) (on file in GN Docket No. 20-109; File Nos. ITC-214-20010613-00346; ITC-214-20020716-00371; ITC-T/C-20070725-00285 (IB Telecommunications and Analysis Division May 14, 2020 Letter).

³ Letter from Andrew D. Lipman, Counsel to China Telecom (Americas) Corporation, Morgan, Lewis & Bockius LLP, to Ajit Pai, Chairman, FCC at 2 (May 1, 2020).

⁴ Letter from John C. Demers, United States Assistant Attorney General, National Security Division, U.S. Department of Justice, Loyaan A. Egal, Deputy Chief for Telecommunications, Foreign Investment Review Section, National Security Division, U.S. Department of Justice, Alice Suh Jou, Attorney, Foreign Investment Review Section, National Security Division, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC at 2 (May 19, 2020) (on file in GN Docket No. 20-109, File Nos. ITC-214-20010613-00346; ITC-214-20020716-00371; ITC-T/C-20070725-00285) (Department of Justice May 19, 2020 Letter).

June 8, 2020 whether it is purporting to seek suppression of the FISA material at issue in this matter based on the legality of the FISA collection.”⁵

Pursuant to sections 0.51 and 0.261 of the Commission’s rules,⁶ we direct China Telecom Americas to respond to the Department of Justice’s May 19, 2020 letter⁷ with regard to whether it seeks suppression of the FISA material in this matter based on the legality of the FISA collection in its response to the Order to Show Cause, due June 8, 2020.⁸

Should you have any questions, please contact me at Denise.Coca@fcc.gov or (202) 418-0574.

Sincerely,



Denise Coca, Chief
Telecommunications and Analysis Division
International Bureau

cc:

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⁵ *Id.*

⁶ 47 CFR §§ 0.51, 0.261.

⁷ See Department of Justice May 19, 2020 Letter at 2; 50 U.S.C. § 1806(e), (f).

⁸ See generally *Order to Show Cause*; IB Telecommunications and Analysis Division May 14, 2020 Letter.

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