



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-02031

DA No. 20-721
Thursday July 9, 2020

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: 06/26/2020

Pacific Telecom Inc. (Pacific Telecom) and its indirect wholly-owned subsidiary PTI Pacifica Inc. (PTI Pacifica) (together, Petitioners) have filed a petition for a new declaratory ruling (Petition) pursuant to section 310(b)(4) of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 310(b)(4), and section 1.5000(a)(1) of the Commission's rules, 47 CFR § 1.5000(a)(1), to allow PTI Pacifica to control any type of common carrier license in any geographic area in accordance with the foreign ownership rules in sections 1.5000 through 1.5004 of the rules, 47 CFR §§ 1.5000-1.5004. PTI Pacifica currently holds cellular, PCS, lower 700 MHz, LMDS, and UMFUS licenses. It also holds private microwave licenses.

According to the Petition, PTI Pacifica, incorporated in the Commonwealth of the Northern Mariana Islands (CNMI), is a direct wholly owned subsidiary of the Micronesian Telecommunications Corporation (MTC), a CNMI corporation, which is the incumbent local exchange carrier in the CNMI. In turn, MTC is wholly owned by Pacific Telecom, also a CNMI corporation. Pacific Telecom is majority-owned (85% equity interest, 100% voting interest) by Prospector Pacific Investments Inc. (PPII), a CNMI corporation. SK Telecom Co. Ltd. (SK Telecom), a publicly traded corporation formed in South Korea and listed on the Korea Stock Exchange, holds the remaining 15% equity and voting interests in Pacific Telecom. PPII is a direct wholly owned subsidiary of Citadel Pacific, Ltd. (CPHL) (formerly known as Prospector Investments Ltd.), a Cayman Islands corporation. CPHL is majority-owned by two related individuals, both of whom are citizens of the Philippines: Ricardo C. Delgado (53.99% equity interest, 100% voting interest); and his son, Jose Ricardo Delgado (36.25% equity interest, 36.25% voting interest). The remaining 9.76% ownership interest in CPHL is held by Classroom Investments Inc., a Canadian corporation, which is a direct wholly owned subsidiary of Ontario Teachers' Pension Plan, a Canadian pension plan.

Petitioners state that the Commission has issued foreign ownership rulings to PTI Pacifica on five occasions in connection with its acquisition of licenses in the above-referenced wireless services in particular geographic service areas. See Bell Atlantic New Zealand Holdings, Inc., Order and Authorization, IB Docket No. 03-115, ISP-PDR-20030418-00204, 18 FCC Rcd 23140 (IB/WCB/WTB 2003) (2003 Acquisition Order); Bell Atlantic New Zealand Holdings, Inc., Assignor, and GTE Pacifica, Inc., Assignee, File No. 0002401623, Order, 21 FCC Rcd 12079 (IB/WTB 2006); International Authorizations Granted, ISP-PDR-20071203-00017, Public Notice, 23 FCC Rcd 8372, 8373 (IB 2008); IT&E Overseas, Inc., WC Docket No. 08-54, ISP-PDR-20080403-00007, Memorandum Opinion and Order and Declaratory Ruling, 24 FCC Rcd 5466 (IB/WCB/WTB 2009); International Authorizations Granted, ISP-PDR-20100720-00015, Public Notice, 25 FCC Rcd 16939 (IB 2010).

Petitioners note that these service- and geographic-specific rulings precede the Commission's 2013 adoption of foreign ownership rules applicable to common carrier licensees in Foreign Ownership Second Report and Order, IB Docket No. 11-133, 28 FCC Rcd 5741 (2013), as amended in GN Docket No. 15-236, 31 FCC Rcd 11272 (2016) (2016 Foreign Ownership Report and Order), pet. for recon. dismissed, 32 FCC Rcd 4780 (2017). In the instant petition, the Petitioners seek authority to enter into spectrum leases or acquire additional common carrier licenses for which PTI Pacifica has not previously received service-specific approval and for all geographic areas.

Pursuant to the rules and policies established by the Commission's 2016 Foreign Ownership Report and Order, we find that the public interest would not be served by prohibiting foreign ownership of PTI Pacifica in excess of the 25% benchmark in section 310(b)(4) of the Act. This ruling authorizes aggregate foreign ownership of Pacific Telecom, as the controlling U.S. parent of PTI Pacifica, to exceed, directly and/or indirectly, 25% of its 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 PTI Pacifica exceeds the terms and conditions of this ruling. This ruling supersedes Petitioners' prior foreign ownership rulings and permits Petitioners to control any type of common carrier license in any geographical area for which PTI Pacifica has not previously received service-specific approval.

Specifically, pursuant to section 1.5001(i) of the rules, we grant Petitioners' request to permit the following foreign individuals and foreign-organized entities to hold, directly and/or indirectly, equity and/or voting interests of 5% or more in Pacific Telecom: Ricardo C. Delgado (45.89% equity, 100% voting) (Philippines); Jose Ricardo Delgado (30.81% equity, 30.81% voting) (Philippines); Citadel Pacific Ltd. (85% equity, 100% voting) (Cayman Islands); SK Telecom Co. Ltd. (15% equity, 15% voting) (South Korea); Classroom Investments Inc. (8.3% equity, 8.3% voting); and Ontario Teachers' Pension Plan (8.3% equity, 8.3% voting) (Canada).

Pursuant to section 1.5001(k)(1) of the rules, this ruling also grants advance approval for Ricardo C. Delgado and Citadel Pacific Ltd., through which Mr. Delgado holds his controlling interest in Pacific Telecom, to increase their respective interests in Pacific Telecom up to and including 100% of Pacific Telecom's direct and/or indirect equity and/or voting interests.

In addition, pursuant to section 1.5001(k)(2) of the rules, this ruling grants advance approval for Jose Ricardo Delgado, Classroom Investments Inc., Ontario Teachers' Pension Plan, and SK Telecom Co. Ltd. to increase their respective interests in Pacific Telecom up to and including a direct and/or indirect non-controlling 49.99% equity and/or voting interest, whether held individually or collectively.

Petitioners have an affirmative duty to monitor their foreign equity and voting interests, calculate these interests consistent with the principles enunciated by the Commission, including the standards and criteria set forth in sections 1.5002 through 1.5003 of the Commission's rules, 47 CFR §§ 1.5002-1.5003, and otherwise ensure continuing compliance with the provisions of section 310(b) of the Act. See 47 CFR § 1.5004, Note to paragraph (a).

On March 25, 2020, the Department of Justice (DOJ) with the concurrence of the Department of Homeland Security (DHS) and Department of Defense (DOD, collectively the Agencies) requested that the Commission defer action while the Agencies reviewed the petition for national security, law enforcement and public safety issues. Letter from Lee Licata, Attorney Advisor, National Security Division, DOJ, to Marlene H. Dortch, FCC (filed March 25, 2020). On June 24, 2020, the Agencies notified the Commission that they have no objection to the grant of the petition subject to the Petitioners continued compliance with the national security agreement among Pacific Telecom and MTC, on the one hand, and the DOJ, the Federal Bureau of Investigation, DOD and DHS, on the other, dated October 6, 2003 (2003 NSA). Letter from Jason Trigger, Attorney Advisor, National Security Division, DOJ, to Marlene H. Dortch, FCC (filed June 24, 2020). In accordance with the request filed by the Agencies, and as requested by Petitioners, we condition grant of this petition for declaratory ruling on Petitioners' continued compliance with 2003 NSA. The 2003 NSA is incorporated as an appendix to the 2003 Acquisition Order, 18 FCC Rcd at 23158, para. 39 and Appendix B. The March 25, 2020 letter and the June 24, 2020 letter may be viewed on the FCC's website through the International Bureau Filing System by

Transfer of Control
Grant of Authority

Date of Action: 07/03/2020

Current Licensee: Identidad Advertising Development LLC

FROM: Ricardo Alvarez

TO: Gabriel Sanchez

Application filed for consent to the transfer of control of Identidad Advertising Development LLC (IAD), a Florida limited liability company, which holds international section 214 authorization ITC-214-20030407-00174, from Ricardo Alvarez to Gabriel Sanchez. Ricardo Alvarez controls IAD through his direct ownership of 24.5% of the Membership Units and his control of Identidad Desarrollo Publicitario, SAS (IDP) which holds 51% of the Membership Units. Ana Maria Gonzalez holds 24.5% of the Membership Units.

The transfer will occur in two steps. First, Ricardo Alvarez will transfer his 24.5% of the Membership Units of IAD to IDP, which give IDP 75.5%. Second, IDP and Ana Maria Gonzalez will transfer the Membership Units in IAD to Gabriel Sanchez (33.34%), Andres Sanchez (33.34%), Maria Paulina Merced (16.66%) and James Merced (16.66%). Gabriel Sanchez, Andres Sanchez, Maria Paulina Merced and James Merced are all U.S. citizens.

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

Dismissal

ITC-214-20200204-00027

Netrium Networks Inc.

Application hereby dismissed by Chief, Telecommunications and Analysis Division, International Bureau on June 30, 2020, pursuant to section 1.748(a) and 63.51(b) of the Commission's rules, 47 CFR 1.748(a), 63.51(b), for failure to respond to the Commission's request for information. This dismissal is without prejudice to re-filing the application in accordance with the Commission's rules.

SURRENDER

ITC-214-20080509-00218

Veritel Communications LLC

Applicant notified the Commission of the Surrender of its international section 214 authorization effective June 25, 2020.

ITC-214-20140806-00234

My Fi, LLC

Applicant notified the Commission of the Surrender of its international section 214 authorization effective June 9, 2020.

ITC-214-20140822-00243

emveno LLC

Applicant notified the Commission of the Surrender of its international section 214 authorization effective July 8, 2020.

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.