



PUBLIC NOTICE

Federal Communications Commission
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DA 21-108

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INTERCONNECTED VOIP NUMBERING AUTHORIZATION APPLICATION FILED BY MITEL CLOUD SERVICES, INC. PURSUANT TO SECTION 52.15(g)(3) OF THE COMMISSION'S RULES

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 20-149¹

Comments Due: March 4, 2021

Mitel Cloud Services, Inc. (Mitel) is an interconnected Voice over Internet Protocol (VoIP) provider with ten percent or greater foreign ownership.² Mitel has filed an application and subsequent supplements to the application pursuant to section 52.15(g)(3) of the Commission's rules, seeking authorization to obtain North American Numbering Plan telephone numbers directly from the Numbering Administrators.³ In its Application, Mitel indicates that it intends to offer service in all 50 U.S. states.⁴ In light of Mitel's substantial foreign ownership, we find that Mitel's application for authorization for direct access to telephone numbers requires further analysis to determine whether granting the Application will

¹ We assign WC Docket No. 20-149 for this application and all related filings by the applicant and interested parties. *See Wireline Competition Bureau Announces Commencement Date and Process for Interconnected VoIP Providers to File Applications for Authorization to Obtain Telephone Numbers*, Public Notice, 31 FCC Rcd 949, 950 (WCB 2016).

² *See* Application of Mitel Cloud Services, Inc. for Authorization to Obtain Numbering Resources, WC Docket No. 20-149 (filed May 19, 2020), <https://www.fcc.gov/ecfs/filing/105190855208032> (Mitel Application); *see also* Joint Application of MLNTopCo Ltd., Mitel Networks Corporation, and Mitel Cloud Services, Inc. f/k/a/ Mitel NetSolutions, Inc for Assignment or Transfer of Control of International Section 214 Authorizations, Attachment 1 at 2-4, ITC-T/C-20190517-00094 (filed May 17, 2018), https://licensing.fcc.gov/myibfs/download.do?attachment_key=1403175 (disclosing that MLN TopCo Ltd is a Cayman Islands exempted company and a wholly owned subsidiary of Searchlight II MLN, L.P., a Cayman Islands exempted limited partnership, and that post transaction, Applicant will be a wholly owned direct subsidiary of MLN TopCo Ltd through a number of intermediate holding companies) (Mitel Int'l 214 Attachment).

³ *See* Mitel Application; Supplement to Mitel Application, WC Docket No. 20-149 (filed Sept. 21, 2020), <https://www.fcc.gov/ecfs/filing/10921091849216> (Mitel Supplement 1); Supplement to Mitel Application, WC Docket No. 20-149 (filed Oct. 19, 2020), <https://www.fcc.gov/ecfs/filing/101966339783> (Mitel Supplement 2); Supplement to Mitel Application, WC Docket No. 20-149 (filed Oct. 26, 2020), <https://www.fcc.gov/ecfs/filing/102677633522> (Mitel Supplement 3); 47 CFR § 52.15(g)(3). Originally, Mitel filed incorrectly as Mitel Cloud Solutions, Inc., but corrected the application via Mitel Supplement 2. *See* Mitel Supplement 2 at 1. For purposes of this Public Notice, the Numbering Administrators include the North American Numbering Plan Administrator and the Pooling Administrator.

⁴ *See* Mitel Supplement 2 at 1. *See also* *Numbering Policies for Modern Communications et al.*, Report and Order, 30 FCC Rcd 6839, 6850, para. 24 & n.74 (2015) (*VoIP Direct Access to Numbers Order*).

serve the public interest, and we hereby notify Mitel that the application is being accepted on a non-streamlined basis and will not be granted automatically.⁵

In its application, Mitel includes the contact information and acknowledgements required by section 52.15(g)(3)(i) of the Commission's rules.⁶ Mitel provides evidence that it will be capable of providing service within 60 days of the numbering resources activation date.⁷ Mitel also certifies that it complies with the contribution, regulatory fee, and 911 obligations set forth in section 52.15(g)(3)(i)(E).⁸ In addition, Mitel certifies that it has the financial, managerial, and technical expertise to provide reliable service.⁹ Mitel further certifies that none of its key management and technical personnel are being or have been investigated by the Federal Communications Commission, or any law enforcement or regulatory agency, for failure to comply with any law, rule, or order.¹⁰ Finally, Mitel certifies that no party to the application is subject to a denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.¹¹

In addition to establishing a non-streamlined comment cycle for the Mitel Application because of Mitel's substantial foreign ownership, we are referring the Application to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of the applicant.¹² Following our referral, the Executive Branch agencies may follow up directly with Mitel for additional information.

GENERAL INFORMATION

The Numbering Authorization Application identified herein has been found, upon initial review,

⁵ 47 CFR § 52.15(g)(3)(iii)(D); *see also* *VoIP Direct Access to Numbers Order*, 30 FCC Rcd at 6858, para. 40; *see also* North American Numbering Council, Report on Foreign Ownership of Interconnected Voice over Internet Protocol Applicants, at 3-5 (Jun. 29, 2017), http://nanc-chair.org/docs/mtg_docs/Jun17_NANC_Report_on_Foreign_Ownership_of_Interconnected_VOIP_Applicants.pdf (citing potential public interest concerns, including fraud and exhaust of numbering resources, and concerns surrounding consumer protection and U.S. telecommunications network operations).

⁶ Mitel Application at 1-3; Mitel Supplement 3 at 1-2; *see* 47 CFR § 52.15(g)(3)(i)(A)-(C), (F).

⁷ Mitel Application at 2; *see* 47 CFR § 52.15(g)(3)(i)(D).

⁸ Mitel Application at 2; *see* 47 CFR § 52.15(g)(3)(i)(E); *see also* 47 CFR §§ 1.1154, 52.17, 52.32, 64.604(c)(5)(iii); 47 CFR pts. 9 and 54, subpt. H.

⁹ Mitel Application at 2-3; Mitel Supplement 3 at 1-2; *see* 47 CFR § 52.15(g)(3)(i)(F).

¹⁰ *Id.*

¹¹ Mitel Application at 3; *see* 47 CFR § 52.15(g)(3)(i)(G); *see also* 21 U.S.C. § 862.

¹² *See Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Report and Order, 35 FCC Rcd 10927, 10935-36, para. 24 (2020) (*Executive Branch Review Order*); *Erratum* (Appendix B – Final Rules), DA 20-1404 (OMD/IB rel. Nov. 27, 2020); *see id.* at 10935-38, paras. 24-28 (setting out which types of applications will generally be referred to the Executive Branch, but noting the Commission has the discretion to refer additional types of applications if it finds that the specific circumstances of an application require the input of the Executive Branch as part of the Commission's public interest determination); *see also Erratum*, 47 CFR § 1.40001(a)(1). *See* Mitel Int'l 214 Attachment at 2-4. To ensure review of Mitel's Application by the agencies that possess the requisite expertise to review for any national security, law enforcement, foreign policy, or trade policy concerns, we decline Mitel's request that we process its application on a streamlined basis without referral to the Executive Branch agencies. *See* Verified Emergency Petition of Mitel Cloud Services, Inc., WC Docket No. 20-149 (filed Nov. 24, 2020), <https://www.fcc.gov/ecfs/filing/112404254049>.

to be acceptable for filing as a non-streamlined application. The Commission reserves the right to return any interconnected VoIP Numbering Authorization Application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 52.15(g)(3)(ii) of the Commission's rules, interested parties may file comments in WC Docket No. 20-149 **on or before March 4, 2021**.¹³ Commenters must serve a copy of comments on Mitel no later than the above comment filing date.

Interested parties to this proceeding must file any documents in this proceeding using the Commission's Electronic Comment Filing System (ECFS): <http://apps.fcc.gov/ecfs/>.¹⁴

In addition, e-mail one copy of each pleading to each of the following:

- 1) Margoux Newman, Competition Policy Division, Wireline Competition Bureau, Margoux.Newman@fcc.gov;
- 2) Jordan Marie Reth, Competition Policy Division, Wireline Competition Bureau, Jordan.Reth@fcc.gov;
- 3) Michelle Sclater, Competition Policy Division, Wireline Competition Bureau, Michelle.Sclater@fcc.gov.

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The proceeding in this Notice will be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).¹⁵ Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Margoux Newman at margoux.newman@fcc.gov, Jordan Reth at jordan.reth@fcc.gov, or Michelle Sclater at michelle.sclater@fcc.gov.

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¹³ 47 CFR § 52.15(g)(3)(ii).

¹⁴ See *VoIP Direct Access to Numbers Order*, 30 FCC Rcd at 6858, para. 39; see also 47 CFR § 52.15(g)(3)(ii).

¹⁵ 47 CFR § 1.1206(b).