



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA No. 21-1415

Friday November 12, 2021

Report No. TEL-02141

International Authorizations Granted

Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)

The following applications have been granted pursuant to the Commission's processing procedures set forth in sections 63.12, 63.20 of the Commission's rules, 47 CFR §§ 63.12, 63.20, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing the applications as accepted for filing.

Unless otherwise noted, these grants authorize the applicants: (1) to become a facilities-based international common carrier subject to 47 CFR §§ 63.21, 63.22; and/or (2) to become a resale-based international common carrier subject to 47 CFR §§ 63.21, 63.23; (3) to assign or transfer control of international section 214 authority in accordance with 47 CFR § 63.24; or (4) to exceed the foreign ownership benchmarks applicable to common carrier radio licensees under 47 U.S.C. § 310(b); see Subpart T of Part 1 of the Commission's rules, 47 CFR §§ 1.5000-5004.

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, 47 CFR §§ 1.106, 1.115, 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)).

ITC-214-20211012-00147 P Sipnexus Telecom LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action: 11/05/2021

An application was filed for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 CFR § 63.18(e)(1), (2).

Sipnexus Telecom LLC is 100% owned by Dominic Peters, a U.S. citizen.

ITC-ASG-20211102-00156 E LKN Communications, Inc.
Assignment
Grant of Authority Date of Action: 11/09/2021

Current Licensee: ACN Communication Services, LLC
FROM: ACN Communication Services, LLC
TO: LKN Communications, Inc.

A notification was filed November 2, 2021, of the pro forma assignment of international section 214 authorization ITC-214-20000203-00052 from ACN Communication Services, LLC (ACN) to LKN Communications, Inc. (LKN Communications), effective November 1, 2021. In a corporate reorganization, ACN assigned its international section 214 authorization to LKN Communications, its 100% direct parent. ACN and LKN Communications are both Michigan entities.

Transfer of Control

Grant of Authority

Date of Action: 11/05/2021

Current Licensee: Southwest Oklahoma Telecommunications, Inc.

FROM: Southwest Oklahoma Telephone Company

TO: Hilliary Acquisition Oklahoma LLC

An application was filed for consent to transfer control of Southwest Oklahoma Telecommunications, Inc. (SWOI), an Oklahoma corporation that holds international section 214 authorization ITC-214-20050128-00037, from Southwest Oklahoma Telephone Company (SWOT) to Hilliary Acquisition Oklahoma LLC (Hilliary). SWOI is a wholly owned subsidiary of SWOT.

Pursuant to a stock purchase agreement, Hilliary will purchase all of the outstanding shares of SWOT. Upon consummation, SWOT will be a direct wholly owned subsidiary of Hilliary and SWOI will be an indirect wholly owned subsidiary. Hilliary, an Oklahoma limited liability holding company, is owned equally by four U.S. citizens (25% each): Edward E. Hilliary, Jr., Dustin J. Hilliary, Michael J. Hilliary, and Douglas J. Hilliary.

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: 11/05/2021

Current Licensee: Climax Telephone Company**FROM:** CTS Communications Corporation**TO:** MetroNet Systems Holdings, LLC

An application was filed for consent to transfer control of Climax Telephone Company (Climax), a Michigan corporation that holds international section 214 authorization ITC-214-20110314-00072, from CTS Communications Corporation (CTS) to MetroNet Systems Holdings, LLC (MetroNet). Climax is a direct wholly owned subsidiary of CTS, a Michigan corporation. Pursuant to a September 12, 2021 stock purchase agreement, MetroNet will acquire all outstanding stock of CTS. Upon consummation, CTS will be a direct wholly owned subsidiary of MetroNet and Climax will be an indirect wholly owned subsidiary of MetroNet.

MetroNet, a Delaware limited liability company, is a direct wholly owned subsidiary of Metronet Holdings, LLC (Holdings). Applicants state that although Holdings does not have a majority interest holder, funds affiliated with Oak Hill Capital Management (Oak Hill Investor Funds) and the Cinelli Investors each have negative de facto control of Holdings. The following entities hold a 10% or greater direct equity interest in Holdings: Metro Buyer Blocker Parent Corp. (MP Blocker), a Delaware corporation (approx. 34.4%); OHCP V MN COI, L.P. (Unblocked COI), a Cayman Islands entity (approx. 10.7%); and KKR Knox Aggregator (Direct L.P.) (KKR Unblocked), a Delaware limited partnership (approx. 11.6%). In addition, the Cinelli Investors collectively have an approximately 23.3% equity interest in Holdings.

OHCP MN GenPar V, L.P. (MN GenPar V), a Cayman Islands entity, is the general partner of: (1) Unblocked COI, (2) OHCP V MN COI (AIV), L.P. (Blocked COI), a Cayman Islands entity, which holds an approximate 24.6% equity interest in MP Blocker, and (3) multiple Oak Hill Investor Funds, all of which are Cayman Island entities, which collectively hold an approximate 3.7% equity interest in MP Blocker. OHCP GenPar V, L.P. (GenPar V), a Cayman Island entity, is the general partner of: (1) multiple Oak Hill Investor Funds, all of which are Cayman Island entities, which collectively hold an approximate 21.4% equity interest in MP Blocker but none of which holds a 10% or greater interest, and (2) multiple Oak Hill Investor Funds, some Cayman Island entities and some Delaware entities, which collectively hold an 8.7% equity interest in Holdings. OHCP MGP V, Ltd. (MGP V), a Cayman Islands entity, is the general partner of MN GenPar V and GenPar V. MGP V is owned equally among twelve U.S. citizens. In addition, OHCP GenPar Super Holdco GP, Ltd., a Cayman Islands entity that is owned by three U.S. citizens, ultimately controls OHCP GenPar Holdco, L.P., a Cayman Islands entity, that has an 82.9% limited partnership interest in GenPar V.

According to the Applicants, the following individuals each hold interests in one or more Oak Hill Investor Funds that may exceed a 10% interest in Holdings: Scott A. Baker, Brian N. Cherry, Benjamin Diesbach, Stratton R. Heath, III, John R. Monsky, Steven G. Puccinelli, and Tyler J. Wolfram, all U.S. citizens.

KKR Knox Aggregator LLC (KKR Aggregator), a Delaware limited liability company, is the general partner of (1) KKR Unblocked and (2) KKR Knox Aggregator (Electing) L.P. (KKR Blocked). KKR Blocked, a Delaware limited partnership, holds an approximate 51.3% equity interest in MP Blocker. KKR & Co. Inc. (KKR), a Delaware corporation, holds ultimate control of KKR Aggregator through several intermediate entities from the Cayman Islands, Luxembourg, and Delaware. KKR is a publicly traded company and, according to the Applicants, no KKR shareholder will hold a 10% or greater interest in Holdings.

The Cinelli Investors collectively hold approximately 23.3% of the direct equity interests in Holdings. According to the Applicants, except for John Cinelli and Janet Cinelli, none of the Cinelli Investors individually hold a 10% or greater interest in Holdings. John Cinelli, a U.S. citizen, will hold an approximate 21.8% equity interest in Holdings: (1) individually, (2) as the managing member of a limited liability company with a less than 10% equity interest in Holdings, and (3) as co-trustee with Janet Cinelli of the grantor retained annuity trusts (GRATs) that comprise part of the Cinelli Investors. Janet Cinelli, a U.S. citizen, holds an approximate 14.5% equity interest in Holdings: (1) individually, and (2) as co-trustee with John Cinelli of the GRATs. According to the Applicants, no other person or entity holds a 10% or greater direct or indirect ownership interest in Holdings.

In the Executive Branch Review Process Order, the Commission set out categories of applications with reportable foreign ownership that may be excluded from referral to the Executive Branch for review for national security, law enforcement, foreign policy, and trade policy issues. See Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership, IB Docket 16-155, Report and Order, 35 FCC 10927, 10938-42, paras. 29-39 (2020). Applicants have made a showing that the only reportable foreign ownership in MetroNet Holdings, LLC is through passive, offshore intermediary holding companies and that 100% of the ultimate control is held by U.S. citizens or entities. We exercised our discretion in not referring the accepted for filing public notice for this application to the Executive Branch, although we provided a courtesy copy to the agencies. See *id.* at 10941, para. 36, n. 99; see also *id.* at 10957, para 81, n. 205.

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

INFORMATIVE

ITC-214-19890109-00003

Low Country Carriers, Inc. D/B/A Hargray Long Distance Co.

By letter dated November 9, 2021, applicant notified the Commission that it will be discontinuing its long distance service to business customers who receive local exchange service over leased third party facilities from Hargray's affiliate, Hargray of Florida, Inc., in Tallahassee metropolitan areas located in Leon County, Florida on or after January 31, 2022.

ITC-214-19970210-00076

U.S. TelePacific Corp.

By letter dated October 12, 2021, applicant notified the Commission that they it be discontinuing the provision of all switched interstate and international long distance services to retail customers who do not purchase local dial-tone services from TelePacific in the State of California.

INFORMATIVE

ITC-214-19970828-00514

U.S. TelePacific Corp.

By letter dated October 12, 2021, applicant notified the Commission that it will be discontinuing the provision of all switched interstate and international long distance services to retail customers who do not purchase local dial-tone services from TelePacific in the State of California.

SURRENDER

ITC-214-20070627-00251

Network Innovations, Inc.

By letter dated November 4, 2021, Network Innovations, Inc. notified the Commission of the surrender of its international section 214 authorization, effective November 4, 2021.

ITC-214-20110413-00098

Vonage America LLC

By letter dated October 28, 2021, Vonage America, LLC notified the Commission of the surrender of its international section 214 authorization, effective October 28, 2021.

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 CFR § 63.23(d).
- (5) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 CFR § 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 CFR 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 CFR §§ 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 CFR §§ 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 CFR § 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 CFR § 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 <https://www.fcc.gov/approved-space-station-list>.

This list is subject to change by the Commission when the public interest requires. The most current version of the list is maintained at <https://www.fcc.gov/exclusion-list-international-section-214-authorizations>.

For additional information, contact the International Bureau's Telecommunications and Analysis Division, (202) 418-1480.