



# PUBLIC NOTICE

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DA No. 21-675

Thursday June 10, 2021

Report No. TEL-02101

## 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)).

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**ITC-ASG-20210326-00054**

E

T-Mobile USA, Inc.

Assignment

Grant of Authority

Date of Action: 06/04/2021

**Current Licensee:** Shentel Communications, LLC

**FROM:** Shentel Communications, LLC

**TO:** T-Mobile USA, Inc.

Application filed for consent to the assignment of assets from Shentel Communications, LLC (Shentel) to T-Mobile USA, Inc. (T-Mobile). The proposed assignment is an outgrowth of the merger of T-Mobile and Sprint Corporation, which closed on April 1, 2020. Since 1999, Shentel has operated under a Sprint-branded affiliation arrangement relating to the provision of wireless mobility communications in the Shentel service area. Pursuant to that arrangement, the consummation of the T-Mobile/Sprint merger and the commencement of the integration of their respective businesses in the Shentel service area triggered a right for Sprint (now T-Mobile) to elect to purchase Shentel's mobile wireless operating assets, including customers. On August 26, 2020, T-Mobile exercised its right to purchase the Shentel wireless operating assets, including its mobile wireless customer base, and the parties have entered into a letter of intent to effect the transaction. T-Mobile will provide international service to the customers it will acquire pursuant to its existing global resale international section 214 authorizations: ITC-214-20061004-00452; ITC-214-19960930-00473, ITC-214-20120301-00067 and ITC-214-20011116-00601. Shentel will continue to provide international service and will retain is international section 214 authorization, ITC-214-19970721-00420.

T-Mobile, a Delaware corporation, is a wholly owned subsidiary of T-Mobile US, Inc. (T-Mobile US). Deutsche Telekom Holding B.V. (DT Holding), a Netherlands corporation, holds an approximately 43% direct equity and voting interest in T-Mobile US. DT Holding is a wholly owned subsidiary of T-Mobile Global Holding GmbH, which is an indirect wholly owned subsidiary of Deutsche Telekom AG (DT), both German corporations. DT has de facto control of T-Mobile US and T-Mobile as a result of a proxy agreement which authorizes DT to vote a majority of the stock of T-Mobile US.

Kreditanstalt für Wiederaufbau (KfW), a bank controlled by the German government and federal states, holds approximately 17% of the ownership interests of DT. The Federal Republic of Germany (FRG) directly holds approximately 15% of the ownership interests of DT. FRG also directly holds approximately 80 percent of the ownership interests in KfW and thus FRG is deemed to hold approximately 32% of DT. According to the Applicants, no other individual or entity holds a direct or indirect 10% or greater equity or voting interest in T-Mobile.

T-Mobile is affiliated with a foreign carrier with market power on the foreign end of the U.S.-Croatia, U.S.-Germany, U.S.-Greece, U.S.-Hungary, U.S.-Macedonia, U.S.-Montenegro, U.S.-Romania, and U.S.- Slovakia routes and agrees to comply with the dominant carrier safeguards in section 63.10 of the Commission's rules, 47 CFR § 63.10, on these routes.

In the Executive Branch Process Reform 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 Rcd 10927, 10938-42, paras. 29-39 (2020). Applicants state that this application should be exempt from referral for Executive Branch review because T-Mobile: (1) is subject to an agreement with an Executive Branch agency concerning national security and/or law enforcement, (2) there are no new reportable foreign owners of T-Mobile since the effective date of that agreement, and (3) T-Mobile agrees to continue to comply with the terms of that agreement. We are exercising our discretion and are not referring this application to the Executive Branch. See id. at 10941, para. 36, n. 99; see also id. at 10957-58, para 81, n. 205.

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

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**ITC-ASG-20210527-00091**

E

Telmex Holdings, LLC

Assignment

Grant of Authority

Date of Action: 06/08/2021

**Current Licensee:** Telmex Holdings, Inc.

**FROM:** Telmex Holdings, Inc.

**TO:** Telmex Holdings, LLC

Notification filed May 27, 2021, of the pro forma assignment of international section 214 authorization ITC-214-19970227-00124 from Telmex Holdings, Inc. to Telmex Holdings, LLC, effective May 17, 2021. Telmex Holdings, LLC is an indirect subsidiary of América Móvil, S.A.B. de C.V. and Sercotel, S.A. de C.V. (Sercotel). Prior to the transaction, Telmex Holdings, Inc. was a direct wholly owned subsidiary of Sercotel. In the first step of a two-step corporate reorganization, Sercotel assigned its 100% interest in Telmex Holdings, Inc. to Sercotel's direct wholly owned subsidiary, Latam Telecommunications, L.L.C. (Latam). Consequently, Telmex Holdings, Inc. became a direct wholly owned subsidiary of Latam and an indirect wholly owned subsidiary of Sercotel. In the second step, Telmex Holdings, Inc. was converted from a Delaware corporation to a Delaware limited liability company, Telmex Holdings, LLC.

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**ITC-T/C-20210528-00090** E

Claro Enterprise Solutions L.L.C.

Transfer of Control

Grant of Authority

Date of Action: 06/08/2021

**Current Licensee:** Claro Enterprise Solutions L.L.C.

**FROM:** Telmex Holdings, Inc.

**TO:** Latam Telecommunications, L.L.C.

Notification filed May 27, 2021, of the pro forma transfer of control of Claro Enterprise Solutions, L.L.C. (Claro), which holds international section 214 authorization ITC-214-20030312-00131, from Telmex Holdings, Inc. to Latam Telecommunications, L.L.C. (Latam), effective May 18, 2021. Claro is an indirect subsidiary of América Móvil, S.A.B. de C.V. and Sercotel, S.A. de C.V. (Sercotel). Prior to the transaction Claro was a direct subsidiary of Telmex Ventures USA, Inc. and an indirect subsidiary of Telmex Holdings, Inc. In the first step of a two-step corporate reorganization, Sercotel assigned its 100% interest in Telmex Holdings, Inc. to Sercotel's direct wholly owned subsidiary, Latam Telecommunications, L.L.C. (Latam). Consequently, Telmex Holdings, Inc. became a direct wholly owned subsidiary of Latam and Claro became an indirect subsidiary of Latam. In the second step, Telmex Holdings, Inc. and Telmex Ventures USA, Inc. were converted from Delaware corporations to Delaware limited liability companies.

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**SURRENDER**

**ITC-214-20160314-00120**

Life Telecom, Inc.

Life Telecom, Inc. notified the Commission of the surrender of its international section 214 authorization, effective June 1, 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.