



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-01317NS

Friday October 10, 2008

NON STREAMLINED INTERNATIONAL APPLICATIONS/PETITIONS ACCEPTED FOR FILING

Section 214 Applications (47 C.F.R. § 63.18); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16) and Section 310(b)(4)

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Petition for Declaratory Ruling

Choice Holdings LLC (Choice Holdings or "Petitioner") requests that the Commission extend its existing declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), to cover the acquisition, through auction, of Advanced Wireless Services ("AWS") and broadband Personal Communications Services ("PCS") licenses by its subsidiary, Choice Phone, LLC, to any level of geographic coverage, including a nationwide footprint. Choice Phone was a winning bidder in Auction No. 78. See ULS File Nos. 0003572217 and 0003572218; DA 08-1953 (rel. Aug. 25, 2008). Petitioner states that its earlier ruling authorized the indirect foreign ownership of its subsidiaries, Choice Phone, which holds Specialized Mobile Radio licenses and 700 MHz licenses, and Wave Runner, which holds broadband PCS radio licenses. See DA 07-3402 (rel. July 26, 2007), DA 08-1223 (rel. May 29, 2008).

Choice Holdings, Choice Phone, and Wave Runner are limited liability companies organized under the laws of Guam. See ULS File No. 0003476539. According to the petition, Choice Holdings holds directly approximately 100 percent of the equity and voting interests in Choice Phone and Wave Runner. Richard C. Yu, a U.S. citizen, holds directly less than 1 percent of the equity and voting interests in each carrier. The following individuals hold direct equity and voting interests in Choice Holdings: (1) Ronnie S. Lim, a citizen of the Philippines, a World Trade Organization (WTO) Member country (25%), (2) Richard C. Yu, a U.S. citizen (28%), (3) Jeselyn T. Yu, a U.S. citizen (18%), and (4) Angelie C. Ong, a U.S. citizen (29%).

According to the petition, Mr. Yu is the Managing Member of, and holds de facto control over, Choice Holdings, Choice Phone, and Wave Runner. The petition states that no other individual holds de facto control, and no change is expected to be made to the current control of the companies. The petition also states that Mr. Lim will acquire an additional 10 percent direct equity and voting interest in Choice Holdings from Mr. Yu, thereby exceeding the 25 percent benchmark in section 310(b)(4) of the Act. Mr. Yu will continue to function as Managing Member of, and maintain de facto control over, Choice Holdings, Choice Phone, and Wave Runner.

Petitioner asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), the indirect foreign ownership of Choice Phone in excess of 25 percent is consistent with the public interest.

Interested parties may file comments on or before October 20, 2008, and reply comments on or before October 27, 2008.

Petition for Declaratory Ruling

Puerto Rico Telephone Company, Inc. (PRTC or "Petitioner") requests that the Commission extend its existing declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), to cover the Advanced Wireless Services ("AWS") licenses it won in Auction No. 78. See ULS File No. 0003574136; DA 08-1953 (rel. Aug. 25, 2008). Petitioner states that its earlier ruling authorized the indirect foreign ownership of PRTC, which holds certain common carrier radio licenses. See FCC 07-43 (rel. Mar. 26, 2007). PRTC also has a pending declaratory ruling before the Commission in connection with the 700 MHz licenses it won in Auction No. 73. See ISP-PDR-20080103-00009.

PRTC is a wholly-owned subsidiary of Telecomunicaciones de Puerto Rico, Inc. (TELPRI), a U.S. corporation organized under the laws of the Commonwealth of Puerto Rico. TELPRI is wholly owned by Tenedora Telpri, S.A. de C.V. (Tenedora), a Mexican corporation. Tenedora in turn is wholly owned and controlled (99.99%) by Radiomóvil Dipsa, S.A. de C.V. (Telcel), also a Mexican company. Telcel is wholly owned and controlled (99.99%) by Sercotel, S.A. de C.V. (Sercotel), which in turn is wholly owned and controlled (99.99%) by América Móvil S.A.B. de C.V. (América Móvil). Both Sercotel and América Móvil are corporations organized under the laws of Mexico. Mr. Carlos Slim Helu and certain members of his immediate family (all of whom are citizens of Mexico) directly and indirectly hold approximately 33 percent equity and 66 percent voting interests in América Móvil.

Petitioner asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), the indirect foreign ownership of PRTC in excess of 25 percent is consistent with the public interest.

Interested parties may file comments on or before October 20, 2008, and reply comments on or before October 27, 2008.

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001–.2003.

An updated version of Section 63.09-.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>