



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET S.W.
WASHINGTON D.C. 20554

News media information 202-418-0500
Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)
TTY (202) 418-2555

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Friday November 23, 2012

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

Truphone, Inc. (TI) and its 100 percent direct parent, Truphone Limited (Truphone, and together with TI, "Petitioners"), request that the Commission modify the existing declaratory ruling issued to SmartCall, LLC (SmartCall) and its wholly-owned, direct subsidiary, iSmart Mobile, LLC (iSmart), under section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"). Petitioners filed the instant petition for declaratory ruling in connection with additional foreign investment in Truphone.

SmartCall and iSmart are limited liability companies organized in Delaware. TI is a Delaware corporation that owns all of the membership interests in SmartCall. Vollin Holdings Limited (Vollin), an entity organized in the British Virgin Islands, holds a controlling equity and voting interest directly in Truphone, a company organized in the United Kingdom. Vollin is wholly owned by Whiteclif Enterprises Limited (Whiteclif), also organized in the British Virgin Islands. Whiteclif, in turn, is wholly owned by two Russian citizens, Alexander Abramov (greater than 50 percent interest) and Alexander Frolov (less than 50 percent interest). The United Kingdom, the British Virgin Islands, and the Russian Federation are all Members of the World Trade Organization (WTO).

The existing section 310(b)(4) ruling for SmartCall and iSmart authorizes their 100 percent indirect foreign ownership (through their controlling U.S. parent, TI) by Truphone and its foreign shareholders. See Public Notice, International Authorizations Granted, DA 12-1445, 27 FCC Rcd 10884, 10885 (IB 2012) (granting File No. ISP-PDR-20111020-00011). The ruling permits SmartCall and iSmart to be owned indirectly, through their controlling U.S. parent, TI, by Truphone (individually, up to and including 100% of the equity and voting interests); Vollin and Whiteclif (individually and collectively, up to and including 75.39% of the equity and voting interests); and Alexander Abramov and Alexander Frolov (collectively, up to and including 75.39% of the equity and voting interests through their respective interests in Whiteclif). Under the ruling, SmartCall and iSmart shall obtain Commission approval before either Mr. Abramov or Mr. Frolov increases his existing equity and/or voting interest in SmartCall or iSmart.

In the instant petition, TI and Truphone seek authorization for additional funding from Mr. Abramov and Mr. Frolov through Vollin up to 82.66%. The additional funding will be done in three steps. On September 14, 2012, without prior Commission approval, Vollin increased its ownership in Truphone to 80.59%. Vollin proposes to increase its ownership on January 2, 2013 to 82.27%. Finally, Vollin proposes to increase its ownership in Truphone on March 14, 2013 to 82.66%.

The Petitioners assert that, pursuant to the rules and policies established by the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), the indirect foreign ownership of SmartCall and iSmart in excess of the 25 percent benchmark in section 310(b)(4) of the Act is consistent with the public interest.

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>