



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON D.C. 20554

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DA No. 18-855

Report No. TEL-01921

Thursday August 16, 2018

International Authorizations Granted

Section 214 Applications (47 C.F.R. §§ 63.18, 63.24); Section 310(b) Petitions (47 C.F.R. § 1.5000)

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b).

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 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)).

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

ITC-214-20170530-00105	E	VRT USA, Inc.	
International Telecommunications Certificate			
Service(s):	Global or Limited Global Resale Service		
Grant of Authority		Date of Action:	08/10/2018

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

We grant the Petition to Adopt Conditions to Authorizations and Licenses filed in this proceeding on August 9, 2018, by the U.S. Department of Justice (DOJ), to include its components, the National Security Division and the Federal Bureau of Investigation. Accordingly, we condition grant of this application for international section 214 authority on compliance by VRT USA, Inc. with the commitments and undertakings set forth in the Letter of Agreement from Tatyana Retkove, Director and President, VRT USA, Inc. to the Assistant Attorney General for National Security, DOJ, dated July 18, 2018 (LOA). A failure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of the authorization and thus grounds for declaring the authorization terminated without further action on the part of the Commission. Failure to meet a condition of the authorization may also result in monetary sanctions or other enforcement action by the Commission. The Petition and the LOA may be viewed on the FCC's website through the International Bureau Filing System by searching for ITC-214-20170530-00105 and accessing the "Other Filings related to this application" from the Document Viewing Area.

ITC-T/C-20180703-00143 E PacOptic Networks, LLC

Transfer of Control

Grant of Authority

Date of Action: 08/10/2018

Current Licensee: PacOptic Networks, LLC

FROM: Shawn Matthews

TO: 385 Inc.

Application filed for consent to the transfer of control of PacOptic Networks, LLC (PacOptic Networks), which holds international section 214 authorization ITC-214-20160107-00012, from its sole member and owner Shawn Matthews, to 385 Inc. Pursuant to an underlying agreement, 385 Inc. will purchase and acquire all membership interests in PacOptic Networks from Mr. Matthews. After closing 385 Inc., an Iowa corporation, will be the sole member and owner of PacOptic Networks. 385 Inc. is wholly owned by Stevin Dahl, a U.S. citizen.

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

ITC-T/C-20180731-00153 E Telxius Cable USA, Inc.

Transfer of Control

Grant of Authority

Date of Action: 08/15/2018

Current Licensee: Telxius Cable USA, Inc.

FROM: KKR & Co. L.P.

TO: KKR & Co. Inc.

Notification filed July 31, 2018, of the pro forma transfer of control of certain negative control rights over Telxius Cable USA, Inc. (Telxius USA), which holds international section 214 authorizations ITC-214-20040518-00203 and ITC-214-20080709-00314, from KKR & Co. L.P. to KKR & Co., Inc., effective July 1, 2018. KKR Management LLC (KKR Management) made changes to the structure through which it holds negative control of Telxius Telecom S.A.U., the indirect 100% parent of Telxius USA. First, on July 1, 2018, KKR & Co. L.P. was converted to KKR & Co., Inc., a publicly traded Delaware corporation. In addition, two entities - KKR Group Holdings L.P. and KKR Group Limited, both organized in the Cayman Islands - were removed from the ownership chain and replaced by KKR Group Holdings Corp., a Delaware corporation and a wholly owned subsidiary of KKR & Co. Inc. Second, on July 16, 2018, KKR Financial Holdings LLC, a Delaware limited liability company and a wholly-owned subsidiary of KKR Fund Holdings L.P., was inserted into the KKR ownership chain and acquired a 50-percent voting interest in KKR Infrastructure II Limited. KKR Fund Holdings L.P. retained a 50- percent voting interest in KKR Infrastructure II Limited. The relative percentage economic interests held by KKR Fund Holdings L.P. and KKR Financial Holdings LLC in KKR Infrastructure II Limited are not fixed, but will vary based on the investment returns allocable to KKR Associates Infrastructure II, L.P. as the general partner of KKR Global Infrastructure Investors II L.P. KKR Management was the General Partner of KKR & Co. L.P. and is the General Partner of KKR & Co. Inc. and continues to hold negative control of Telxius USA

ITC-T/C-20180731-00154 E Telxius Cable Puerto Rico, Inc.

Transfer of Control

Grant of Authority

Date of Action: 08/15/2018

Current Licensee: Telxius Cable Puerto Rico, Inc.

FROM: KKR & Co. L.P.

TO: KKR & Co. Inc.

Notification filed July 31, 2018, of the pro forma transfer of control of certain negative control rights over Telxius Cable Puerto Rico, Inc. (Telxius Puerto Rico), which holds international section 214 authorization ITC-214-20131121-00316, from KKR & Co. L.P. to KKR & Co., Inc., effective July 1, 2018. KKR Management LLC (KKR Management) made changes to the structure through which it holds negative control of Telxius Telecom S.A.U., the indirect 100% parent of Telxius Puerto Rico. First, on July 1, 2018, KKR & Co. L.P. was converted to KKR & Co., Inc., a publicly traded Delaware corporation. In addition, two entities - KKR Group Holdings L.P. and KKR Group Limited, both organized in the Cayman Islands - were removed from the ownership chain and replaced by KKR Group Holdings Corp., a Delaware corporation and a wholly owned subsidiary of KKR & Co. Inc. Second, on July 16, 2018, KKR Financial Holdings LLC, a Delaware limited liability company and a wholly-owned subsidiary of KKR Fund Holdings L.P., was inserted into the KKR ownership chain and acquired a 50-percent voting interest in KKR Infrastructure II Limited. KKR Fund Holdings L.P. retained a 50- percent voting interest in KKR Infrastructure II Limited. The relative percentage economic interests held by KKR Fund Holdings L.P. and KKR Financial Holdings LLC in KKR Infrastructure II Limited are not fixed, but will vary based on the investment returns allocable to KKR Associates Infrastructure II, L.P. as the general partner of KKR Global Infrastructure Investors II L.P. KKR Management was the General Partner of KKR & Co. L.P. and is the General Partner of KKR & Co. Inc. and continues to hold negative control of Telxius Puerto Rico.

ITC-T/C-20180801-00155 E Telxius Cable USA, Inc.

Transfer of Control

Grant of Authority

Date of Action: 08/15/2018

Current Licensee: Telxius Cable USA, Inc.

FROM: Telefonica, S.A.

TO: Pontel Participaciones, S.L.

Notification filed August 1, 2018, of the pro forma transfer of control of Telxius Cable USA, Inc. (Telxius USA), which holds international section 214 authorizations ITC-214-20040518-00203 and ITC-214-20080709-00314, from Telefonica, S.A. (Telefonica) to Pontel Participaciones, S.L. (Pontel), effective July 27, 2018. Prior to the transaction, Telefonica, a publicly traded Spanish company, held a 60% and controlling interest in Telxius Telecom, S.A.U. (Telxius Parent), a Spanish entity and the indirect 100% parent of Telxius USA, a Florida corporation. In a corporate reorganization Telefonica transferred its 60% voting and equity interest in Telxius Parent to Pontel, a holding company organized in Spain. Telefonica holds an 83.5% voting and equity interest in Pontel. Telefonica continues to hold a controlling interest in Telxius Parent and Telxius USA.

ITC-T/C-20180801-00156 E Telxius Cable Puerto Rico, Inc.

Transfer of Control

Grant of Authority

Date of Action: 08/15/2018

Current Licensee: Telxius Cable Puerto Rico, Inc.

FROM: Telefonica, S.A.

TO: Pontel Participaciones, S.L.

Notification filed August 1, 2018, of the pro forma transfer of control of Telxius Cable Puerto Rico, Inc. (Telxius Puerto Rico), which holds international section 214 authorization ITC-214-20131121-00316, from Telefonica, S.A. (Telefonica) to Pontel Participaciones, S.L. (Pontel), effective July 27, 2018. Prior to the transaction, Telefonica, a publicly traded Spanish company, held a 60% and controlling interest in Telxius Telecom, S.A.U. (Telxius Parent), a Spanish entity and the indirect 100% parent of Telxius Puerto Rico, a Puerto Rican corporation. In a corporate reorganization Telefonica transferred its 60% voting and equity interest in Telxius Parent to Pontel, a holding company organized in Spain. Telefonica holds an 83.5% voting and equity interest in Pontel. Telefonica continues to hold a controlling interest in Telxius Parent and Telxius Puerto Rico

ITC-T/C-20180808-00157 E Birch Communications of Kentucky, LLC

Transfer of Control

Grant of Authority

Date of Action: 08/15/2018

Current Licensee: Birch Communications of Kentucky, LLC

FROM: GG Telecom Investors, LLC

TO: Lingo Management, LLC

Notification filed August 8, 2018, of the pro forma transfer of control of Birch Communications of Kentucky, LLC (Birch Kentucky), which holds international section 214 authorization ITC-214-20130716-00198, from GG Telecom Investors, LLC (GGTI) to Lingo Management, LLC (Lingo Management), effective July 9, 2018. Prior to the transaction, Birch Kentucky was a direct wholly owned subsidiary of GGTI, a Georgia limited liability company, and Lingo Management, also a Georgia limited liability company, is a wholly-owned indirect subsidiary of GGTI. In a corporate reorganization, Birch Kentucky became a direct wholly owned subsidiary of Lingo Management and an indirect wholly owned subsidiary of GGTI.

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 C.F. R. § 63.23(d).
- (5) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 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 C.F.R. 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) Carriers shall file annual circuit capacity reports required by Section 43.82. See <http://www.fcc.gov/encyclopedia/circuit-capacity-report>.
- (8) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 C.F.R. §§ 1.20000 et seq.

(13) Every carrier must designate an agent for service in the District of Columbia. See 47 U.S.C. § 413, 47 C.F.R. §§ 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 C.F.R. § 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 C.F.R. § 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 http://transition.fcc.gov/bureaus/ib/sd/se/market_access.html.

This list is subject to change by the Commission when the public interest requires. The most current version of the list is maintained at <http://transition.fcc.gov/ib/pd/pf/exclusionlist.html>.

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