



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Friday September 24, 2021

Non Streamlined International Applications/Petitions Accepted For Filing

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

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 CFR § 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. Pursuant to Section 1.1910(b)(2) of the rules, action will be withheld on any application by any entity found to be delinquent in its debts to the Commission. Applicants should check the Red Light Display System's website at www.fcc.gov/redlight to determine if they are delinquent in a debt to the Commission and for information on how to pay the debt.

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 CFR § 1.1206.

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), 1-888-835-5322 (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

High Band Holdings, LLC (High Band Holdings or Petitioner) has filed a petition for a new declaratory ruling (Petition), pursuant to section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), and section 1.5000(a)(1) of the Commission's rules, 47 CFR § 1.5000(a)(1), to permit foreign ownership of the controlling U.S. parent, High Band Holdings, to exceed the 25% benchmarks in section 310(b)(4) of the Act. Petitioner filed the Petition in conjunction with its application seeking consent for the pro forma transfer of control of Upper Microwave Flexible Use Service (UU) radio authorizations, which are held by High Band License Co, LLC (High Band License Co), won in Auction 103. See ULS File No. 0009359525. Petitioner filed supplements to its Petition on July 29, 2021, and September 16, 2021.

High Band License Co, a Delaware limited liability company, is a wholly owned subsidiary of High Band Holdings, also a Delaware limited liability company. The Petition states that the Board of Directors of High Band Holdings, consisting of Monish Kundra and James B. Fleming, Jr., both U.S. citizens, is vested with operational control over High Band Holdings, and the membership interests in High Band Holdings are insulated based on the insulation criteria specified in section 1.5003 of the Commission's rules, 47 CFR § 1.5003. Columbia Capital-related entities collectively hold 50% equity and voting interests in High Band Holdings. Columbia Capital is a U.S. venture capital firm that is ultimately controlled by Mr. Fleming and John T. Siegel, Jr., both U.S. citizens and the managing members of Columbia Capital. According to the Petition and Supplement, the other 50% equity and voting interests in High Band Holdings are held by Telcom CTM Spectrum, LLC (Telcom CTM Spectrum), a Delaware limited liability company, whose two managing members are Rajendra Singh and Neera Singh, both U.S. citizens.

According to the Petition, High Band Holdings entered into subscription agreements with certain investors in connection with its participation in FCC Auction 103 in September 2019. As part of the agreements, the investors purchased Convertible Notes to fund High Band Holdings' acquisition of licenses in Auction 103. Petitioner states that the Convertible Notes will convert into membership units in High Band Holdings after the Commission grants a declaratory ruling allowing the new ownership structure. When the conversion occurs there will be a pro forma transfer of control to High Band Holdings and the total cumulative indirect foreign ownership in High Band License Co to increase from 19.91% to roughly 45%.

Conversion of the Convertible Notes, according to the Petition, would increase the equity and voting interests of the Columbia Capital-related entities in High Band Holdings from 50% to 50.32%. According to the Petition, Columbia Spectrum Partners III-A, L.P., a limited partnership organized in Delaware, will hold 32.63% equity and voting interests in High Band Holdings. Columbia Spectrum III, LLC, a limited liability company organized in Delaware, will indirectly hold a 32.63% voting interest and 0% equity interest in High Band Holdings. In addition, the Petition lists a number of Columbia Capital entities that will not individually hold a direct 10% or greater equity and/or voting interest, or a controlling interest, in High Band License Co, but are disclosed because, when the interests of these entities are combined with Columbia Spectrum Partners III-A, L.P., these entities, which are under common control, will hold a combined 50.32% equity and voting interests in High Band Holdings and High Band License Co. upon conversion of the Convertible Notes. The equity and voting interests held by Telcom CTM Spectrum, in turn, would decrease from 50% to 0.59%, resulting in a pro forma transfer of control from joint control by Telcom CTM Spectrum and Columbia Capital, to majority control by Columbia Capital, which would continue to be ultimately controlled by James B. Fleming, Jr. and John T. Siegel. Petitioner states that the rest of the interests in High Band Holdings, following conversion of the notes, would be held by various Greenspring entities (approximately 11% equity and voting), various HarbourVest entities (approximately 14% equity and voting), Railways Pension Trustee Company Limited (approximately 14% equity and voting), and collectively 8.77% by entities below the reporting threshold. According to the Petition and Supplements, there are no uninsulated foreign investors in High Band Holdings or High Band License Co.

According to the Petition, upon conversion of the Convertible Notes, High Band Holdings would have aggregate indirect foreign equity and voting interests of 42.98%. The Petition and Supplement requests approval for up to an aggregate 45% indirect foreign ownership of High Band License Co, LLC. Pursuant to section 1.5001(i) of the rules, Petitioner requests that the Commission specifically approve the direct and/or indirect foreign equity and/or voting interests that would be held in High Band Holdings, the controlling U.S. parent, upon conversion of the Convertible Notes by foreign-organized entities as follows:

Railways Pension Trustee Company Limited (14.81% equity and voting) (United Kingdom); and
Railtrust Holdings Limited (14.81% equity and voting) (United Kingdom).

Petitioner does not request advance approval for any foreign entity or individual.

Petitioner asserts that the public interest would be served by granting the Petition.

Interested parties may file comments on or before October 8, 2021, and reply comments on or before October 15, 2021.

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

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

Rakuten Mobile USA LLC is a wholly-owned subsidiary of Rakuten Mobile, Inc., which is a wholly-owned subsidiary of Rakuten Group, Inc., both of which are organized under the laws of Japan. Rakuten Group, Inc. is owned by Hiroshi Mikitani (11.17%), a citizen of Japan, and Crimson Group, LLC (14.35%), a company organized under the laws of Japan. No other individual or entity owns 10% or greater of Rakuten Group, Inc.

Through this Public Notice, pursuant to Commission practice, the application for international section 214 authority is being referred to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of the Applicant.

INFORMATIVE

ITC-214-20210513-00084

Oktacom Inc.

On September 17, 2021, the Chair of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) notified the Commission that the Committee is conducting an initial review on the application for international section 214 authority filed by Oktacom Inc. to assess whether granting the application will pose a risk to the national security or law enforcement interests of the United States, pursuant to Executive Order 13913 (85 Fed Reg 19643 (April 8, 2020)). The Committee shall complete its review of the application before the end of the 120-day initial review period, unless the Committee notifies the Commission of an extension of the 120-day initial review period or the need arises to conduct a 90-day secondary assessment.

ITC-214-20210611-00095

Stack8 Technologies (USA) Inc.

On September 17, 2021, the Chair of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) notified the Commission that the Committee is conducting an initial review on the application for international section 214 authority filed by Stack8 Technologies (USA) Inc. to assess whether granting the application will pose a risk to the national security or law enforcement interests of the United States, pursuant to Executive Order 13913 (85 Fed Reg 19643 (April 8, 2020)). The Committee shall complete its review of the application before the end of the 120-day initial review period, unless the Committee notifies the Commission of an extension of the 120-day initial review period or the need arises to conduct a 90-day secondary assessment.

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 CFR §§ 1.2001–.2003.