



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

DA No. 15-848

Report No. TEL-01744

Thursday July 23, 2015

International Authorizations Granted

Section 214 Applications (47 C.F.R. § 63.18); Section 310(b) Requests

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 Section 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.

Petition for Declaratory Ruling
Grant of Authority

Date of Action: 07/22/2015

DoCoMo Pacific, Inc. (DoCoMo) has filed a petition for declaratory ruling ("Petition"), pursuant to section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), requesting that the Commission extend DoCoMo's current section 310(b)(4) authority to hold interests in common carrier licenses and authorizations to encompass the Advanced Wireless Services (AWS-3) license for which it was the winning bidder in Auction 97. See ULS File No. 0006666147. It notes that the Commission previously issued a foreign ownership ruling to DoCoMo (f/k/a Guam Cellular and Paging, Inc.) pursuant to section 310(b)(4) in 2006. See Memorandum Opinion and Order and Declaratory Ruling, FCC 06-167, 21 FCC Rcd 13580 (2006) (2006 Ruling).

Pursuant to section 1.990(a)(1) of the rules, DoCoMo filed a supplement to its Petition requesting an updated foreign ownership ruling to include all authority available under the rules adopted in the Foreign Ownership Second Report and Order, FCC 13-50, 28 FCC Rcd 5741 (2013), 47 C.F.R. §§ 1.990-1.994. It requests that the updated ruling include specific authority for Nippon Telegraph and Telephone Corporation (NTT) and the Japan Ministry of Finance to increase their respective equity and/or voting interests in DoCoMo's controlling U.S. parent company three (3) percent above the levels approved in the 2006 Ruling to account for fluctuations in publicly traded shares of NTT and its majority owned and controlled subsidiary, NTT DoCoMo, Inc. (NTT DoCoMo).

According to the Petition, DoCoMo is a corporation organized under the laws of Guam. It is a direct, wholly-owned subsidiary of DoCoMo Guam Holdings, Inc. (DoCoMo Guam), a U.S. corporation. DoCoMo Guam is, in turn, a direct, wholly-owned subsidiary of NTT DoCoMo, a publicly traded Japanese corporation. As of September 1, 2014, NTT, itself a publicly traded Japanese corporation, owned approximately 59.70 percent each of the equity and voting interests of NTT DoCoMo (see Petition, revised Exhibit A, filed March 10, 2015). The Petitioner states that the remaining 40.30 percent of the capital stock of NTT DoCoMo is held by Japanese and overseas corporations and individuals, none of which individually holds a five percent or greater ownership interest.

According to the Petition, the Japan Ministry of Finance owned approximately 33.33 percent each of the equity and voting interests of NTT as of December 1, 2014 (see Petition, revised Exhibit A, filed March 10, 2015), and consequently an indirect 19.90 percent equity interest and 33.33 percent voting interest in DoCoMo. The Petition states that the remaining shares of NTT are held by Japanese and overseas corporations and individuals, none of which individually holds a five percent or greater ownership interest.

The Petition notes that the Commission's 2006 Ruling approved the foreign ownership of DoCoMo Guam by NTT DoCoMo and its Japanese shareholders (up to and including 100 percent of the equity and voting interests), with the exception of NTT; by NTT and its Japanese shareholders, through NTT's investment in NTT DoCoMo (up to and including 62.15 percent of the equity and voting interests), with the exception of the Japan Ministry of Finance; and by the Japan Ministry of Finance, through its investment in NTT (up to and including 23.95 percent of the equity interests and 38.53 percent of the voting interests). DoCoMo asserts that, other than the ownership changes reported in the Petition, no further material changes have occurred in DoCoMo's foreign ownership since the 2006 Ruling.

Pursuant to section 1.991(i) of the rules, DoCoMo requests that the Commission specifically approve direct or indirect foreign equity and/or voting interests in DoCoMo's controlling U.S. parent, DoCoMo Guam, as follows:

NTT DoCoMo (up to and including 100 percent of the equity and voting interests);
NTT (up to and including 65.15 percent of the equity and voting interests); and
The Japan Ministry of Finance (up to and including 26.95 percent of the equity interests and 41.53 percent of the voting interests).

Petitioner acknowledges that DoCoMo will continue to be subject to the Agreement entered into by and between DoCoMo and DoCoMo Guam, on the one hand, and the U.S. Department of Justice, the Federal Bureau of Investigation, and the U.S. Department of Homeland Security, on the other, executed in October 2006 (2006 Agreement).

Pursuant to the rules and policies established by the Commission's Foreign Ownership Second Report and Order, FCC 13-50, 28 FCC Rcd 5741 (2013), 47 C.F.R. §§ 1.990-1.994, we find that the public interest would not be served by prohibiting foreign ownership of DoCoMo in excess of the 25 percent benchmark in section 310(b)(4) of the Act. Specifically, this ruling permits aggregate foreign ownership of DoCoMo's controlling U.S. parent, DoCoMo Guam, to exceed, directly and/or indirectly, 25 percent of its equity and/or voting interests, subject to the terms and conditions set forth in section 1.994 of the Commission's rules, 47 C.F.R. § 1.994, including the requirement to obtain Commission approval before DoCoMo Guam's foreign ownership exceeds the terms and conditions of this ruling. In addition, this ruling specifically approves direct or indirect foreign equity and/or voting interests in DoCoMo Guam as follows:

NTT DoCoMo (up to and including 100 percent of the equity and voting interests);
NTT (up to and including 65.15 percent of the equity and voting interests); and
The Japan Ministry of Finance (up to and including 26.95 percent of the equity interests and 41.53 percent of the voting interests).

We grant the Petition to Adopt Conditions to Authorizations and Licenses (Petition to Adopt Conditions) filed in this proceeding on July 8, 2015, by the U.S. Department of Justice, including the Federal Bureau of Investigation, and the U.S. Department of Homeland Security. Accordingly, we condition grant of this ruling on DoCoMo continuing to abide by the commitments and undertakings set forth in the 2006 Agreement. 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 this ruling and thus grounds for declaring the underlying licenses terminated without further action on the part of the Commission. Failure to meet a condition of this ruling may also result in monetary sanctions or other enforcement action by the Commission. The Petition to Adopt Conditions and the 2006 Agreement may be viewed on the FCC's website through the International Bureau Filing System (IBFS) by searching for ISP-PDR-20140903-00010 and accessing the "Other Filings related to this application" from the Document Viewing Area. The 2006 Agreement is also appended to the 2006 Ruling, FCC 06-167, 21 FCC Rcd 13580, 13623-53.

DoCoMo has an affirmative duty to monitor its foreign equity and voting interests, calculate these interests consistent with the attribution principals enunciated by the Commission, including the standards and criteria set forth in sections 1.992 through 1.993 of the Commission's rules, 47 C.F.R. §§ 1.992-1.993, and otherwise ensure continuing compliance with the provisions of section 310(b) of the Act.

This declaratory ruling is without prejudice to the Commission's action on any other related pending application(s).

ITC-214-20130111-00010 E US Matrix Telecommunications, Inc.
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action: 07/16/2015

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

We grant the Petition to Adopt Conditions to Authorizations and Licenses filed in this proceeding on July 16, 2015, by the U.S. Department of Justice (DOJ). Accordingly, we condition grant of this international section 214 authorization on compliance by U.S. Matrix Telecommunications, Inc. with the commitments and undertakings set forth in the July 15, 2015 letter from Eber Lacerda, Chief Executive Officer, U.S. Matrix Telecommunications, Inc. to the Assistant Attorney General, National Security Division, DOJ (Letter). 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 Letter may be viewed on the FCC's website through the International Bureau Filing System (IBFS) by searching for ITC-214-20130111-00010 and accessing the "Other Filings related to this application" from the Document Viewing Area.

ITC-214-20150617-00151 E Telco Cuba, Inc.
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 07/20/2015

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).

ITC-214-20150621-00150 E SanTruk, Corp.
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action: 07/20/2015

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

ITC-214-20150621-00152 E Suresip Corp.
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action: 07/20/2015

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

ITC-214-20150630-00161 E Ready Wireless, LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 07/20/2015

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).

Assignment

Grant of Authority

Date of Action: 07/20/2015

Current Licensee: Sage Telecom Comm., LLC

FROM: Sage Telecom Comm., LLC

TO: Birch Communications, Inc.

Application filed for consent to the assignment of assets held by Sage Telecom Communications, LLC (Sage) to Birch Communications, Inc. (Birch). Pursuant to the terms of an Assets Purchase Agreement, Birch will purchase certain assets and customers of Sage, including certain customer accounts and receivables, customer agreements and contracts, certain vendor agreements and contracts, certain equipment, and certain intellectual property. The transaction involves customers that are geographically located in Arkansas, California, Connecticut, Illinois, Indiana, Kansas, Michigan, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. Sage will retain its international section 214 authorization, ITC-214-19980415-00257.

Birch is a wholly owned subsidiary of Birch Communications Holdings, Inc. (Birch Holdings) and the following two individuals, both U.S. citizens, hold ten percent or greater direct or indirect equity and voting interests in Birch Holdings: Holcombe Green (53%) and R. Kirby Godsey (21%). Mr. Godsey holds his percentage through his individual holdings and through the R. Kirby Godsey 2008 Grantor Retained Annuity Trust. No other entity or individual holds ten percent or greater ownership interest in Birch or Birch Holdings.

Upon closing, Birch will provide services to its newly acquired customers located in Arkansas pursuant to its existing international section 214 authorization, ITC-214-19970926-00584. Birch Telecom, Inc. (Birch Telecom), a wholly owned subsidiary of Birch, holds international section 214 authorization, ITC-214-19990701-00441, and the following Birch entities, all d/b/a Birch Communications, will provide services pursuant to Birch Telecom's authorization, to newly acquired customers from this transaction, as follows: Birch Telecom of the West, Inc., in California; Birch Telecom of the Northeast, Inc., in Connecticut; Birch Telecom of the Great Lakes, Inc., in Illinois; Birch Telecom of the Great Lakes, Inc., in Indiana; Birch Telecom of Kansas in Kansas; Birch Telecom of the Great Lakes, Inc., in Michigan; Birch Telecom of Missouri, Inc., in Missouri; Birch Telecom of the Great Lakes, Inc., in Ohio; Birch Telecom of Oklahoma, Inc., in Oklahoma; Birch Telecom of the South, Inc., in Tennessee; Birch Telecom of Texas Ltd., L.L.P., in Texas; and Birch Telecom of the Great Lakes, Inc., in Wisconsin.

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

Transfer of Control

Grant of Authority

Date of Action: 07/20/2015

Current Licensee: Broadvox-CLEC, LLC

FROM: The Broadvox Holding Company, LLC

TO: Onvoy, LLC

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-20090529-00261, held by Broadvox-CLEC, LLC (BV-CLEC), from The Broadvox Holding Company, LLC (BV-Holding) to Onvoy, LLC (Onvoy). Pursuant to the terms of an June 10, 2015, Membership Interest Purchase Agreement, Onvoy will acquire all of the issued and outstanding membership interests in BV-CLEC. Upon closing, direct ownership and control of BV-CLEC will be transferred from BV-Holding to Onvoy.

Onvoy is a wholly owned direct subsidiary of Communications Infrastructure Investments, LLC (CII). The following entities or individuals, all U.S. entities and/or citizens, hold ten percent or greater direct and indirect ownership interests in CII:

(1) Oak Investment Partners XII, Limited Partnership (Oak Investment XII) (directly 12.34%) (General partner Oak Associates XII, LLC (Oak Associates)). The following four individuals are managing members of Oak Associates: Bandel L. Carano, Edward F. Glassmeyer, Ann H. Lamont, and Fredric W. Harman.

(2) M/C Venture Partners VI, L.P. (MCVP VI) (directly 10.83%) (General partner M/C VP VI, L.P.). M/C Venture Partners, LLC is the general partner of M/C VP VI, L.P., and the following five individuals are its managing members: James F. Wade, David D. Croll, Matthew J. Rubins, John W. Watkins, John Van Hooser.

(3) GTCR Fund X/A LP (directly 10.15%) (General partner GTCR Partners X/A&C LP). GTCR Investment X LLC is the general partner of GTCR Partners X/A&C LP. The following nine individuals are members of the board of managers of GTCR Investment X LLC: Mark M. Anderson, Craig A. Bondy, Philip A. Canfield, David A. Donnini, David S. Katz, Constantine S. Mihos, Collin E. Roche, Sean L. Cunningham, and Aaron D. Cohen.

(4) Columbia Capital Equity Partners IV, L.P. (Columbia Capital IV) (indirectly 11.10%) (as general partner of Columbia Capital Equity Partners IV (QP), L.P. (directly in CII 9.88%) and as general partner of Columbia Capital Equity Partners IV (QPCO), L.P. (directly in CII 1.22%); Columbia Capital IV, LLC (indirectly in CII 11.17% as general partner of (i) Columbia Capital Equity Partners IV, L.P. and (ii) of Columbia Capital Employee Investors IV, L.P. (direct interest in CII 0.08%). The following three individuals are managing members of Columbia Capital IV, LLC: James B. Fleming, Jr., R. Philip Herget, III, Harry F. Hopper III.

(5) Charlesbank Equity Fund VI GP, Limited Partnership (Charlesbank VI GP) (indirectly in CII 10.80% as general partner of the following funds that have direct ownership interests in CII (i) Charlesbank Equity Fund VI, LP, (ii) CB Offshore Equity Fund VI, (iii) Charlesbank Equity Coinvestment Fund VI, LP, and (iv) Charlesbank Equity Coinvestment Partners, LP); Charlesbank Capital Partners, LLC (indirectly in CII 10.80% as the general partner of Charlesbank VI GP). Charlesbank Capital Partners, LLC is owned by its nine managing members, as follows: Michael Eisenson, Tim Palmer, Kim Davis, Mark Rosen, Michael Choe, Brandon White, Jon Biotti, Andrew Janower, and Michael Thonis.

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

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 the annual traffic and revenue reports required by Section 43.62(b). See <http://www.fcc.gov/encyclopedia/international-traffic-and-revenue-report>.

(8) Carriers shall file annual circuit capacity reports required by Section 43.62(a). See <http://www.fcc.gov/encyclopedia/circuit-capacity-report>.

(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 C.F.R. §§ 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 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:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice, DA 10-112, dated January 21, 2010, "Modification of Process to Accept Applications for Service to Cuba and Related Matters.")

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 Policy Division, (202) 418-1460.