

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Puerto Rico Telephone Company, Inc.)	ISP-AMD-20160302-00004
)	(Related matters:
)	ISP-PDR-20140707-00004;
)	ULS No. 0006668931)
Application for authorization under Section)	
310(b)(4) of the Communications Act of 1934,)	
as amended)	
)	

**PETITION TO GRANT THE AMENDED PETITION FOR DECLARATORY RULING
FILED ON MARCH 2, 2016 BY PUERTO RICO TELEPHONE COMPANY, INC.**

The Department of Justice (“DOJ”) submits this Petition to Grant the Amended Petition for Declaratory Ruling By Puerto Rico Telephone Company, Inc. (“PRTC”), pursuant to Section 1.41 of the Federal Communications Commission (“Commission”) rules (“the rules”).¹ Through this Petition, DOJ advises the Commission that DOJ, the Department of Defense (“DOD”), and the Department of Homeland Security (“DHS”) (collectively the “USG Agencies”) have no objection to the Commission granting the amended Petition for Declaratory Ruling (“the amended PDR”) initially filed in ISP-PDR-20140707-00004 and amended by the filing in ISP-AMD-20160302-00004 on March 2, 2016, and that the USG Agencies have no objection to the granting of the wireless license application filed in ULS No. 0006668931.

PRTC filed its initial PDR requesting an updated declaratory ruling, pursuant to section 1.990(a)(1) of the Commission's rules, 47 C.F.R. § 1.990(a)(1), and seeking, in part, a determination from the Commission that it would not serve the public interest to prohibit PRTC from exceeding the 25 percent foreign ownership benchmark in section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 310(b)(4). According to the

¹ 47 C.F.R. § 1.41.

initial PDR, PRTC holds the following types of radio licenses to which section 310(b) is applicable: Advanced Wireless Service, Cellular, Common Carrier Fixed Point to Point Microwave, Digital Electronic Message Service - Common Carrier, PCS Broadband, and 700 MHz Lower Band. PRTC is a wholly-owned direct and indirect subsidiary of Telecomunicaciones de Puerto Rico, Inc. (“TELPRI”), a corporation organized under the laws of the Commonwealth of Puerto Rico, and America Movil, S.A.B. de C.V. (“America Movil”), a corporation organized under the laws of Mexico. America Movil is controlled by Mr. Carlos Slim Helu and certain members of his family (the "Slim Family"), all of whom are citizens of Mexico. PRTC filed the initial PDR in this matter in part to obtain retroactive approval from the Commission for an increase in ownership of America Movil by the Slim Family that occurred on June 27, 2014, and to obtain prospective approval from the Commission for potential future increases in the Slim Family's ownership, up to and including 100 percent of America Movil's equity and voting interests. The amended PDR instead seeks approval for the Slim Family to hold up to and including a 75% equity interest in América Móvil, S.A.B. de C.V. (“América Móvil”), the parent company of PRTC and approval for the Slim Family to hold up to and including a 95% voting interest in América Móvil. Additionally, in the amended PDR, PRTC no longer seeks the following requests set out in its initial PDR: advance Section 310(b) authority for subsequently formed or acquired subsidiaries or affiliates; advance authority for new non-U.S.-organized entities that may be subsequently added to the vertical chain of ownership of PRTC; and PRTC no longer seeks advance authority for non-U.S. entities with a direct or indirect controlling interest in PRTC’s controlling U.S. parent to subsequently increase such interests, except as noted above for the Slim Family.

The Commission has long recognized that law enforcement, national security, and public safety concerns are part of its public interest analysis, and the Commission has accorded deference to the views of other U.S. government agencies with expertise in those areas. *See In*

the Matter of Comsat Corporation d/b/a Comsat Mobile Communications, etc., 16 FCC Rcd. 21,661, 21707 ¶ 94 (2001).

In the course of reviewing PRTC's amended PDR for law enforcement, national security, and public safety concerns, the USG Agencies have reviewed the facts of this matter as well as the Commission's previous enforcement action regarding Amercia Movil.² Additionally, the USG Agencies have had discussions and communications with representatives of PRTC and America Movil in connection with the amended PDR. As a result of the USG Agencies' review of relevant materials, and the USG Agencies' discussion and communications with representatives of PRTC and America Movil, the USG Agencies request that the Commission grant the amended PDR and that the Commission approve PRTC's pending wireless application.

Respectfully submitted,

/S/ Richard C. Sofield
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² In the Commission's *Notice of Apparent Liability for Forfeiture* ("NAL"), dated June 22, 2011, the Commission found that América Móvil, the parent company of PRTC, apparently violated section 310(b)(4) of the Communications Act of 1934, as amended, and the terms of a Commission order by willfully issuing additional equity stock that resulted in additional indirect foreign ownership in PRTC beyond the percentage permitted by section 310(b)(4) and the Commission's *2007 MO&O and Declaratory Ruling*. In this NAL, the Commission found that América Móvil was liable for a forfeiture in the amount of \$16,000. See File No. EB-11-IH-0216, NAL/Acct. No. 201132080032, FRN No. 0015025067.