

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In re Request of )  
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**GOVNET LICENSES LLC** )  
 )  
for Declaratory Ruling Under Section 310(b)(4) of )  
the Communications Act, as amended )  
 )  
To: The International Bureau )

**REQUEST FOR DECLARATORY RULING**

GovNET Licenses LLC (“GovNET Licenses”) hereby requests a declaratory ruling, pursuant to Section 310(b)(4) of the Communications Act, as amended (the “Communications Act”), and the *Foreign Participation Order*.<sup>1</sup> GovNET Licenses is 100% owned by GovNET, Inc. (“GovNET”), an Arizona corporation which is 100 percent owned by Patrick H. Barringer. Mr. Barringer is Canadian citizen. Therefore, in conjunction with its initial applications for radio licenses, GovNET Licenses seeks a declaratory ruling authorizing Mr. Barringer to hold a 100 percent indirect interest in GovNET Licenses. As demonstrated below, the public interest would be served by authorizing such indirect foreign ownership in GovNET Licenses.

**BACKGROUND**

GovNET Licenses is an Arizona limited liability company with one member, GovNET, an Arizona corporation. GovNET is, in turn, 100 percent owned by Mr. Barringer, a Canadian citizen. In conjunction with the instant Request, GovNET Licenses is submitting applications to secure FCC authorizations to construct and operate common carrier point-to-point microwave links for use in the statewide microwave broadband network GovNET is constructing pursuant to

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<sup>1</sup> Rules and Policies on Foreign Participation in the U.S. Telecommunications Market; Market Entry and Regulation of Foreign-Affiliated Entities, *Report and Order and Order on Reconsideration*, 12 FCC Rcd 23891 (1997) (“*Foreign Participation Order*”); modified by *Order on Reconsideration*, 15 FCC Rcd 18158 (2000).

a National Telecommunications and Information Administration (“NTIA”) Broadband Technology Opportunities Program (“BTOP”) grant. Due to Mr. Barringer’s Canadian citizenship, GovNET Licenses seeks a declaratory ruling that its 100 percent indirect foreign ownership is consistent with the public interest under Section 310(b)(4) of the Communications Act.

## DISCUSSION

The public interest will be served if GovNET License’s indirect foreign ownership is permitted. In the *Foreign Participation Order*, the Commission concluded that allowing foreign investment in common carrier wireless licenses beyond the 25 percent benchmark in Section 310(b)(4) of the Communications Act would promote competition in the U.S. market and thus serve the public interest.<sup>2</sup> The Commission therefore adopted a presumption in favor of allowing such investment if the investment is from citizens of, or entities organized under the laws of, WTO Member nations.<sup>3</sup> Mr. Barringer is a Canadian citizen, and Canada is a WTO Member. Therefore, the Commission should apply the presumption in favor of entry to Mr. Barringer’s 100 percent indirect ownership of GovNET Licenses.

Indeed, the Commission previously has authorized both Mr. Barringer’s 100 percent ownership of one wireless licensee, Telink Networks SW, LLC (“Telink”), and his ownership of 25 percent of a second wireless licensee, Teltranet Licenses LLC (“Teltranet”).<sup>4</sup> Authorization

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<sup>2</sup> *Foreign Participation Order*, 12 FCC Rcd at 23940.

<sup>3</sup> *Id.*, 12 FCC Rcd at 23913, 23940.

<sup>4</sup> *See*, International Authorizations Granted, *Public Notice*, 21 FCC Rcd 4382 (2006) (authorizing Mr. Barringer’s 80 percent indirect ownership interest, along with a 20 percent direct ownership interest, in Telink Networks SW, LLC); International Authorizations Granted, *Public Notice*, 22 FCC Rcd 9319, 9320 (2007) (authorizing Mr. Barringer’s 25 percent indirect ownership interest in Teltranet Licenses LLC).

of Mr. Barringer's 100 percent indirect ownership of GovNET Licenses is warranted for the same reasons underlying the Commission's approval of his ownership of Telink and Teltranet.

Further, permitting Mr. Barringer's indirect foreign investment in GovNET Licenses will enable the citizens of Arizona to realize the benefits promised by its NTIA BTOP award.

GovNET is committed to the provision of secure, high capacity transmissions and customized network connections at affordable rates. Given the expansive, often difficult rural terrain across the state of Arizona, community-serving organizations often have difficulty accessing high-speed broadband services essential for education, commerce, public safety and economic development. GovNET is deploying a statewide microwave broadband network to support community anchor institutions and last-mile broadband service providers in the state. Leading a public-private partnership that brings together the strategic planning support of the Arizona Government Information Technology Agency ("GITA"), the State Library, the Department of Administration, and the telecommunications expertise of Telink, GovNET will enable broadband connectivity to as many as 280 anchor institutions, including 15 public safety entities, 82 K-12 public schools, 115 libraries, 14 community colleges, three additional institutions of higher education, 26 healthcare providers, and 26 state and local government facilities. In addition, GovNET will facilitate more affordable and accessible broadband service for an estimated 481,000 households and over 25,000 businesses by enabling local Internet service providers to utilize the project's open network. As NTIA has found, GovNET is uniquely positioned to serve the public interest by meeting the pressing need for secure, affordable, high-speed broadband services in Arizona.

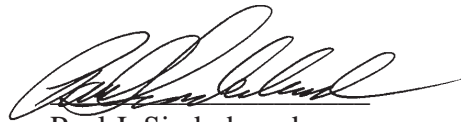
**CONCLUSION**

For the reasons stated herein, GovNET Licenses respectfully requests that the Commission issue a declaratory ruling permitting Mr. Barringer to hold a 100 percent indirect ownership interest in GovNET Licenses.

Respectfully submitted,

**GOVNET LICENSES LLC**

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