



PUBLIC NOTICE

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August 2, 2019

FINAL NOTICE OF INTENT TO DECLARE THE INTERNATIONAL SECTION 214 AUTHORIZATIONS AND DOMESTIC SECTION 214 AUTHORITY OF ANGEL AMERICAS, LLC AND ANGEL MOBILE, INC. TERMINATED

File Nos. ITC-214-20010220-00085, ITC-214-20010618-00348,
ITC-214-20020531-00293, ITC-214-20050315-00105, ITC-214-20031020-00495,
ITC-214-20130429-00125, and ITC-214-20131206-00337 and WC Docket No. 13-242

By this Public Notice, the International Bureau and Wireline Competition Bureau (collectively, the “Bureaus”) afford Angel Americas, LLC (Angel Americas) and Angel Mobile, Inc. (Angel Mobile) (collectively, the “Angel Entities”) final notice and opportunity to respond to the letters submitted by the Department of Justice (DOJ) on January 21, 2016 and December 8, 2017.¹ DOJ requests that the Federal Communications Commission (Commission) terminate, declare null and void and no longer in effect, and/or revoke the domestic and international section 214 authorizations held by the Angel Entities.² DOJ makes this request because DOJ, including the Federal Bureau of Investigation, believes the Angel Entities are no longer in operation.³ DOJ states that the Angel Entities have not complied with the terms of their November 2013 LOA and July 2014 LOA, compliance with which are conditions of their authorizations.⁴

On March 13, 2019, the International Bureau’s Telecommunications and Analysis Division and Wireline Competition Bureau’s Competition Policy Division sent a letter to the Angel Entities at the last known addresses on record via certified, return receipt mail asking the Angel Entities to respond to DOJ’s allegations and possible violations of the Commission’s rules by Friday April 12, 2019.⁵ The *Angel*

¹ Letter from Richard Sofield, Director, Foreign Investment Review Staff, National Security Division, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC (Jan. 21, 2016) (January 21, 2016 DOJ Letter); Letter from Richard Sofield, Principal Deputy Chief, Foreign Investment Review Staff, National Security Division, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC (Dec. 8, 2017) (December 8, 2017 DOJ Letter) (amending the original request in the January 21, 2016 DOJ Letter to include ITC-214-20130429-00125 and the correct authorization number for Angel Mobile (ITC-214-20131206-00337). The DOJ Letters incorrectly listed ITC-214-20040618-00348 as one of Angel Americas’ international section 214 authorizations.

² January 21, 2016 DOJ Letter at 1; December 8, 2017 DOJ Letter at 1.

³ January 21, 2016 DOJ Letter at 2 & n.1.

⁴ *Id.* at 1-2.

⁵ Letter from Denise Coca, Division Chief, Telecommunications and Analysis Division, International Bureau, FCC and Pamela Arluk, Division Chief, Competition Policy Division, Wireline Competition Bureau, FCC, to Ms. Debbie Stahl, Angel Americas, LLC and Mr. Tillman Zschucke, Angel Mobile, Inc. (March 13, 2019) (*Angel Entities Letter*). A copy of this letter and the DOJ Letters may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for File Nos. ITC-214-20010220-00085, ITC-214-20010618-00348, ITC-214-20020531-00293, ITC-214-20050315-00105, ITC-214-20031020-00495, ITC-214-20130429-00125 or

(continued....)

Entities Letter states that failure to respond will be deemed as an admission of the facts alleged by DOJ and the Commission and will result in the issuance of an order to terminate the Angel Entities' international section 214 authorizations.⁶ We did not receive a response from the Angel Entities.⁷

Additionally, the Angel Entities may be in violation of several other Commission statutory and rule provisions. The *Angel Entities Letter* states that the Angel Entities failed to inform the Commission of any changes in their business status, as required by section 63.21(a) of the Commission's rules.⁸ If the Angel Entities have discontinued domestic or international service, they may be in violation of the Commission's rules requiring prior notification for discontinuance.⁹ Further, as a part of their authorizations, the Angel Entities were required to file annual international telecommunications traffic and revenue reports, as required by section 43.62 of the Commission's rules, which was in effect until April 2018.¹⁰ Specifically, section 43.62(b) of the Commission's rules stated that "[n]ot later than July 31 of each year, each person or entity that holds an authorization pursuant to section 214 to provide international telecommunications service shall report whether it provided international services during the preceding calendar year."¹¹ The Angel Entities, however, did not submit traffic and revenue reports indicating whether or not they provided services for the 2014 and 2015 reporting periods and may have violated section 43.62 of the Commission's rules.¹²

The Angel Entities must respond to this Public Notice no later than 15 days of the date of this Public Notice and address the issues alleged in the January 21, 2016 and December 8, 2017 DOJ Letters and possible statutory and rule violations. The Angel Entities' failure to respond to this Public Notice will be deemed an admission of the facts alleged by DoJ and of the statutory and rule provisions set out above. The Bureaus hereby provide final notice to the Angel Entities that they intend to take action and issue an Order declaring the Angel Entities' domestic section 214 authority and international section 214 authorizations terminated for failure to comply with the conditions of their

ITC-214-20131206-00337 and accessing the "Other Filings Related to this Application" from the Document Viewing area.

⁶ *Angel Entities Letter* at 2.

⁷ On March 13, 2019, the *Angel Entities Letter* and the January 21, 2016 and December 8, 2017 DOJ Letters were sent via certified, return receipt requested to: (1) Ms. Debbie Stahl, Angel Americas, LLC (1250 Broadway, 25th Floor, New York, New York 10001); (2) Mr. Tillman Zschucke, Angel Mobile, Inc. (1250 Broadway, 25th Floor, New York, New York 10001); (3) Peter Waneck, Angel Americas, LLC (919 3rd Avenue, 11th Floor, New York, New York 10022). Those letters were all returned as undeliverable. The *Angel Entities Letter* and January 21, 2016 and December 8, 2017 DOJ Letters were also sent via certified, return receipt requested and delivered to: (1) Angel Americas, LLC c/o NRAI Services, Inc. (now CT Corporation System) (1200 South Pine Island Road, Plantation Florida 33324); (2) Angel Americas, LLC c/o National Registered Agent (1015 15th Street NW, Suite 1000, Washington DC 20005); and (3) Peter Waneck, Angel Telecom Holding AG (Chalchrain 16, 6315 Oberaegeri, Zurich, Switzerland). We received signed return receipts from those mailings. In addition, on March 29, 2019, we received a letter from CT Corporation System stating that "Angel Americas, LLC is not listed on our records or on the records of the State of DC [and that] CT was unable to forward." Letter from CT Corporation System to Denise Coca, Division Chief, Telecommunications and Analysis Division, International Bureau, FCC (March 18, 2019).

⁸ *Angel Entities Letter* at 1 (stating, "[a]fter having received an international Section 214 authorization, as required by Section 63.21(a) of the Commission's rules, a carrier is responsible for the continuing accuracy of the certifications made in its application and must promptly correct information no longer accurate, and in any event, within thirty (30) days"); 47 CFR § 63.21(a).

⁹ 47 CFR §§ 63.19; 63.71.

¹⁰ *Angel Entities Letter* at 2 & n.8 (citing 47 CFR § 43.62(b) and providing subsequent history).

¹¹ 47 CFR § 43.62(b) (2015).

¹² *Angel Entities Letter* at 3 & n.10.

authorizations. We further advise the Angel Entities that their non-compliance with the applicable statutory and rule provisions would warrant termination wholly apart from the Angel Entities' inability to satisfy the conditions of their authorization.

The Angel Entities should send their response to Denise Coca, Chief, Telecommunications and Analysis Division, International Bureau at Denise.Coca@fcc.gov; Pamela Arluk, Chief, Competition Policy Division, Wireline Competition Bureau at Pamela.Arluk@fcc.gov and file the response in File Nos. **File Nos. ITC-214-20010220-00085, ITC-214-20010618-00348, ITC-214-20020531-00293, ITC-214-20050315-00105, ITC-214-20031020-00495, ITC-214-20130429-00125 and ITC-214-20131206-00337** via IBFS at <http://licensing.fcc.gov/myibfs/welcome.do> and in **WC Docket No. 13-242** via ECFS at <https://www.fcc.gov/ecfs/filings>.

The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).¹⁴ In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Cara Grayer, Telecommunications and Analysis Division, International Bureau, Cara.Grayer@fcc.gov or (202) 418-2960.

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¹³ 47 CFR § 1.1200 *et seq.*

¹⁴ 47 CFR § 1.1206(b).