



PUBLIC NOTICE

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February 26, 2019

FINAL NOTICE OF INTENT TO DECLARE THE INTERNATIONAL SECTION 214 AUTHORIZATIONS OF STARVOX COMMUNICATIONS, INC. AND CAPITAL TELECOMMUNICATIONS, INC. TERMINATED

File Nos. ITC-214-19920520-00115 & ITC-214-20050407-00146

By this Public Notice, the International Bureau (Bureau) affords StarVox Communications, Inc. (StarVox) and Capital Telecommunications, Inc. (CTI) final notice and opportunity to respond to the July 23, 2018 letter submitted by the Department of Homeland Security (DHS), with the concurrence of the Department of Justice (DOJ), including the Federal Bureau of Investigation (FBI) (collectively the “Executive Branch Agencies”).¹ The Executive Branch Agencies request that the Federal Communications Commission (Commission) terminate, declare null and void and no longer in effect, and/or revoke the domestic and international Section 214 authorizations held by StarVox and its wholly owned subsidiary, CTI, for failure to comply with the Letters of Assurances (LOAs) filed in connection with the transfers of control of such authority and compliance with which are express conditions of StarVox’s and CTI’s authorizations.² The Executive Branch Agencies make this request because they believe StarVox and CTI are no longer in business.³

On December 14, 2018, the Bureau’s Telecommunications and Analysis Division sent a letter to StarVox and CTI at their last known addresses on record via certified, return receipt mail, asking StarVox and CTI to respond to the Executive Branch Agencies’ allegations and possible violations of the Commission’s rules by January 14, 2019.⁴ The *StarVox and CTI Letter* states that failure to respond will be deemed as an admission of the facts alleged by the Executive Branch Agencies and the Commission and will result in the issuance of an Order to terminate StarVox’s and CTI’s international Section 214

¹ Letter from Phil Ludvigson, Director, Foreign Investment Risk Management, Office of Policy, U.S. Department of Homeland Security, to Marlene H. Dortch, Secretary, FCC (July 23, 2018) (DHS Letter).

² *Id.* at 1.

³ *Id.*

⁴ Letter from Denise Coca, Division Chief, Telecommunications and Analysis Division, International Bureau, FCC to Mr. Kyle L. Dickson, Esq., General Counsel, StarVox Communications, Inc., Capital Telecommunications, Inc., and U.S. Wireless Data, Inc. at 1 (Dec. 14, 2018) (*StarVox and CTI Letter*). A copy of this letter, the DHS Letter, and other filings may be viewed on the FCC’s website through IBFS at <https://licensing.fcc.gov/myibfs> by searching for File No. ITC-214-19920520-00115 or ITC-214-20050407-00146 and accessing the “other filings related to this application” from the Document Viewing area.

authorizations.⁵ The letter to each of these last known addresses was returned to the Commission as undeliverable.⁶

Additionally, StarVox and CTI may be in violation of several other Commission statutory and rule provisions. The *StarVox and CTI Letter* states that StarVox and CTI failed to inform the Commission of any changes in their business status of providing international telecommunications service, as required by Section 63.21(a) of the Commission's rules.⁷ The *StarVox and CTI Letter* states that there is no indication that StarVox and CTI are currently providing service pursuant to their international Section 214 authorizations, and if they have discontinued international services, they may be in violation of Section 63.19 of the Commission's rules requiring prior notification for such a discontinuance.⁸ Further, as part of their authorizations, StarVox and CTI 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 2018.⁹ Specifically, Section 43.62(b) 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 telecommunications services during the preceding calendar year."¹⁰ StarVox and CTI, 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.¹¹

StarVox and CTI must respond no later than 15 days of the date of this Public Notice and address the issues alleged in the DHS Letter and possible statutory and rule violations. StarVox's and CTI's failure to respond to this Public Notice will be deemed as an admission of the facts alleged by the Executive Branch Agencies and of the violations of the statutory and rule provisions set out above.¹² The Bureau hereby provides final notice to StarVox and CTI that it intends to take action and issue an Order declaring their international Section 214 authorizations terminated for failure to comply with the

⁵ *Id.* at 3. We also noted that on April 2, 2008, pursuant to Section 63.71(c) of the Commission's rules and absent further Commission action, the Wireline Competition Bureau approved StarVox and CTI's request to discontinue domestic service on or after May 3, 2008, and that we do not address the Executive Branch Agencies' request to terminate the domestic Section 214 authorizations of StarVox and CTI. *Id.* at 2.

⁶ We sent the *StarVox and CTI Letter* to: (1) Kyle L. Dickson, Esq., General Counsel for StarVox Communications, Inc., Capital Telecommunications, Inc., and U.S. Wireless Data, Inc. – 8275 El Rio, Suite # 110, Houston, Texas 77054 and 2728 Orchard Parkway, San Jose, California 95134; (2) Capital Telecommunications, Inc. – 200 West Market Street, York, Pennsylvania 17401; (3) Thomas E. Rowley, Chief Executive Officer and Director of U.S. Wireless Data, Inc. – 2728 Orchard Parkway, San Jose, California 95134; and (4) Jackie Sorman, StarVox Communications Inc.'s DC Agent, Premier Corporate Services, Inc., National Registered Agents, Inc. – 1090 Vermont Avenue, NW, Suite 190, Washington, DC 20005. We also emailed the letter to the contact emails on record: Kyle L. Dickson at kdickson@starvox.com; Thomas Rowley at tomrowley@starvox.com; and Jackie Sorman at jackie@premiercorp.com. We received no answer in response to our email except an email stating that delivery to recipients was complete, but no delivery notification was sent by the destination server.

⁷ *StarVox and CTI Letter* at 2 (stating that after having received an international Section 214 authorization, pursuant to Section 63.21(a), a carrier "is responsible for the continuing accuracy of the certifications made in its application" and must correct information no longer accurate, "and in any event, within thirty (30) days"); 47 CFR § 63.21(a).

⁸ *Id.* at 2, n.8; 47 CFR § 63.19.

⁹ *Id.* at 3, n.9 (citing 47 CFR § 43.62(b) and providing subsequent history).

¹⁰ 47 CFR § 43.62(b) (2015).

¹¹ *StarVox and CTI Letter* at 3 & n.11.

¹² Because the letter sent to each of the addresses on record was undeliverable, we will email this Public Notice to the last known email addresses.

conditions of their authorizations. We further advise StarVox and CTI that their non-compliance with the applicable regulatory provisions would warrant termination wholly apart from StarVox's and CTI's inability to satisfy the conditions of their authorizations.

StarVox and CTI should send their response to Denise Coca, Chief, Telecommunications and Analysis Division, International Bureau via email at Denise.Coca@fcc.gov and to Veronica Garcia-Ulloa, Attorney Advisor, Telecommunications and Analysis Division, International Bureau at Veronica.Garcia-Ulloa@fcc.gov and file it in IBFS under File Nos. **ITC-214-19920520-00115** and **ITC-214-20050407-00146** via IBFS at <http://licensing.fcc.gov/myibfs/pleading.do>.

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 in IBFS, under File Nos. **ITC-214-19920520-00115** and **ITC-214-20050407-00146**, 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 Veronica Garcia-Ulloa, Attorney Advisor, Telecommunications and Analysis Division, International Bureau, (202) 418-0481.

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¹³ 47 CFR § 1.1200 *et seq.*

¹⁴ 47 CFR § 1.1206(b).