

David Krech

From: David Krech
Sent: Monday, February 26, 2007 6:27 PM
To: 'Phoebe Forsythe'
Cc: George Li; Karl Kensinger; Scott Kotler
Subject: RE: ITC-214-20060909-00434 additional information attachments

Attachments: IP-Enabled Services NPRM.FCC-04-28A1.pdf



IP-Enabled Services
NPRM.FCC-0...

Dear Ms. Isales :

As I stated in my previous e-mail, an international section 214 authorization is required to provide "telecommunications" services. If TCP Technologies will not be providing "telecommunications" services, but rather "information" services, then it would not need authority under section 214. The Commission discussed this issue and how to treat VOIP in its Notice of Proposed Rulemaking regarding IP-Enabled Services (attached). The Commission has not reached any conclusions in that proceeding yet.

You and TCP Technologies will have to decide whether the services TCP Technologies proposes to provide to Cuba are "telecommunications" or "information" services.

If you decide that they are "information" services, and thus it is your opinion that TCP Technologies does not section 214 authorization to provide those services, we ask that you withdraw your section 214 application (ITC-214-20060909-00434).

TCP Technologies will need an earth station license to provide the proposed services. Information about earth station licensing is available on the IB web site. I understand that you might also wish to look at the Newcom and MCI applications on IBFS, and, in particular, the letters from USTR that we have received concerning those applications. There would need to be an ECOSAT showing concerning the satellite, as well as a debris mitigation showing, since we have not granted access for the Intersputnick satellite previously. You can contact either Scott Kotler or Karl Kensinger in the Satellite Division for further information.

We do not know the details of the process for receiving permission to negotiate with Cuba. Consequently we do not know if you need the earth station license first or can apply for that afterwards. You will have to deal with OFAC on that issue.

David Krech

*** Non-Public: For Internal Use Only *** -----Original Message-----
From: Phoebe Forsythe [mailto:phoebeforsythe@hotmail.com]
Sent: Wednesday, January 24, 2007 3:41 PM
To: David Krech
Subject: RE: ITC-214-20060909-00434 additional information attachments

Dear Mr. Krech,
I did receive the e-mail at this hotmail address. Thank you.
Phoebe Forsythe Isales

>From: "David Krech" <David.Krech@fcc.gov>
>To: "Phoebe Forsythe" <phoebeforsythe@hotmail.com>
>Subject: RE: ITC-214-20060909-00434 additional information attachments
>Date: Mon, 22 Jan 2007 19:02:20 -0500
>
>Hi,
>

>Sorry I have not gotten back to you, however, I was out sick last week.
>
>Let me review your e-mail, discuss it with a couple of people here, and
>then get back to you.
>
>Thanks.
>
>
>*** Non-Public: For Internal Use Only *** -----Original Message-----
>From: Phoebe Forsythe [mailto:phoebeforsythe@hotmail.com]
>Sent: Monday, January 15, 2007 11:24 AM
>To: David Krech
>Cc: sigfrido@tcp.com; fkresmer@radtec.com
>Subject: RE: ITC-214-20060909-00434 additional information attachments
>
>Dear Mr. Krech;
>Thank you for keeping me in the loop by sending me a copy of the e-mail
>you sent on January 11, 2007 to Sigfrido Rodriguez, President of TCP
>Technologies, Inc.
>
>I shall try to clarify some of your questions.
>
>My client does not intend to offer VOIP for Cuba. From what I
>understand from your e-mail, then he wouldn't need a 214 to provide an
>information service. I believe that VOIP may be a service offered in
>the future (over a year from now), but that is not definite.
>
>Now, TCP has not obtained or filed for any permits or licenses for an
>earth station. The earth station would be built (after the permits and
>licenses have been obtained) at TCP's premises in Guaynabo, Puerto Rico.
>TCP plans to connect directly with the Intersputnick Satellite which
>will carry the traffic to Cuba.
>
>Could you tell me what other TITTLE III licenses are required?
>
>From what I understand TCP would still need OFAC's approval. Do you
>notify them that no license is required? Once OFAC approves, then OFAC
>would publish in the Federal Registry that it is prepared to provide a
>license to TCP to travel and negotiate in Cuba. Mr. Jay Arn of the
>OFAC Division in Treasury explained this. If there were no objections
>from companies, then OFAC would consult with the State Department.
>
>I spoke with Attorney John Schnitker at State and I understand that
>nothing moves without first obtaining the relevant FCC permits and
>licenses.
>
>I do appreciate your time and effort on my client's case. Could you
>please
>orient me as to the above mentioned questions. Thank You!
>
>Sincerely,
>
>Phoebe Forsythe Isales
>
>
>
>
>From: "David Krech" <David.Krech@fcc.gov>
>To: "Sigfrido Rodriguez" <sigfrido@tcp-tech.com>
>CC: <fkresmer@radtec.com>, <lcolon@radtec.com>, <lpq@golaw.com>,
>
><cachindo@yahoo.com>, "George Li" <George.Li@fcc.gov>, "Mikelle
>Morra" <Mikelle.Morra@fcc.gov>, "the A-I gang"
><aigang@comcast.net>,
>> "Karl Kensingler" <Karl.Kensingler@fcc.gov>,
>><phoebeforsythe@hotmail.com>
>>Subject: RE: ITC-214-20060909-00434 additional information

> Thank you for this additional information. However, we still have
> questions about your request.
>
>
>
> First, please explain in detail the service(s) that TCP Technologies
> proposes to provide between the United States and Cuba. The
> additional
>
> information you sent states that you plan to provide "Internet only"
> to
>
> Cuba. Please explain what you mean by that. Will this "Internet"
> service include interconnected VoIP (Voice over Internet Protocol)?
> Will you provide content or just transmission or both?
>
>
> Second, please explain in detail the transmission routing that you
> will
>
> use to reach Cuba. Where will the traffic originate? Where will it
> transit to get to Cuba? Using which facilities? The additional
> information you sent mentions "Newcom International, Inc." While
> Newcom does have an international section 214 authorization
> (ITC-214-20040607-00220), it does not have authority to provide
> service
>
> to Cuba. Please explain specifically what services Newcom will be
> providing to TCP.
>
>
>
>
> Thank you.

> *** Non-Public: For Internal Use Only ***

> -----Original Message-----
> From: Sigfrido Rodriguez [mailto:sigfrido@tcp-tech.com]
> Sent: Wednesday, November 29, 2006 1:00 PM
> To: IBFSINFO; David Krech
> Cc: fkremser@radtec.com; 'Sigfrido Rodriguez';
> lcolon@radtec.com;

> lpg@goLaw.com; cachinbo@yahoo.com
> Subject: FW: ITC-214-20060909-00434 additional information
> attachments
> Importance: High

> Sorry for the second one attachment is now readable.

> Sigfrido

>
>
> From: Sigfrido Rodriguez [mailto:sigfrido@tcp-tech.com]
> Sent: Wednesday, November 29, 2006 1:55 PM
> To: 'IBFSINFO@fcc.gov'; 'David.Krech@fcc.gov'

David Krech

From: Moraima Gallardo [mgm@go-law.com]
Sent: Tuesday, March 06, 2007 3:03 PM
To: David Krech
Cc: David Krech
Subject: TCP Technologies

Attachments: IMAGE (55).PDF



IMAGE (55).PDF
(219 KB)

Good afternoon, Mr. Krech.

Please receive the attached document in connection with TCP Technologies.

Thank you,

Moraima Gallardo
O'Neill & Gilmore, PSC
Citibank Towers, Suite 1701
252 Ponce de León Avenue
San Juan, PR 00918
Tel. 787.620.0670 ext. 302
Fax 787.620.0671
email: mgm@go-law.com

David Krech

From: David Krech
Sent: Monday, November 19, 2007 12:09 PM
To: 'Phoebe Forsythe'
Cc: George Li
Subject: RE:

Hi,

Here are the answers to your questions:

1. Has the FCC made any decision as to whom has jurisdiction over VOIP?

In 2004 the Commission adopted an order preempting state regulatory authority over VOIP. The order is Vonage Holdings Corporation, Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission, WC Docket No. 03-211, Memorandum Opinion and Order, 19 FCC Rcd 22404 (2004).

2. Has any company ever applied for an alternative method to send traffic to Cuba, such as underwater cable or a microwave link?
We are not aware of any submarine cables or microwave links between the U.S. and Cuba. The direct voice circuits between the U.S. and Cuba are via satellite, but those circuits have been deactivated due to an ongoing dispute between the U.S. and Cuban governments. Current service between the U.S. and Cuba is routed through third countries.

David Krech
Assistant Division Chief
Policy Division, International Bureau
U.S. Federal Communications Commission
202.418.7443

From: Phoebe Forsythe [mailto:phoebeforsythe@hotmail.com]
Sent: Friday, November 09, 2007 3:11 PM
To: David Krech
Subject:

Mr. David Krech
FCC
Washington, D.C.

Dear Mr. Krech:

Re: Questions

My name is Phoebe Forsythe Isaies, a telecommunications attorney practicing in San Juan, Puerto Rico. We have spoken several times by phone.

I have two questions to ask you and would appreciate it if you could send your answer by e-mail.

1. Has the FCC made any decision as to whom has jurisdiction over VOIP?
2. Has any company ever applied for an alternative method to send traffic to Cuba, such as underwater cable or a microwave link?

As always thank you for your cooperation.

2/15/2008

Cordially,
Phoebe Forsythe Isaies

Invite your mail contacts to join your friends list with Windows Live Spaces. It's easy! [Try it!](#)

David Krech

From: David Krech
Sent: Monday, November 26, 2007 3:59 PM
To: 'Phoebe Forsythe'
Cc: George Li
Subject: RE: Traffic through the Dominican Republic

Dear Ms. Isales:

As we discussed last year, the provision of Internet services is considered an information service for which an international section 214 authorization is not required. Thus your client does not need section 214 authorization to provide Internet services to Cuba via the Dominican Republic.

I am not sure whether you need permission from the State Department or OFAC to provide such services. You will need to contact those agencies directly.

David Krech
Assistant Division Chief
Policy Division, International Bureau
U.S. Federal Communications Commission
202.418.7443

From: Phoebe Forsythe [mailto:phoebeforsythe@hotmail.com]
Sent: Sunday, November 25, 2007 7:53 PM
To: David Krech
Subject: Traffic through the Dominican Republic

Dear Mr. Krech,

Thank you for your previous reply. My client has another question.

If using his 214 global license , would he be able to send internet traffic to the Dominican Republic with Cuba as the ultimate destination? He is under the impression that the Dominican Republic Telephone Company has a microwave connection to Cuba.

Would Mr. Sigfrido Rodriguez, President of TCP need any specific license for this?

This would not involve any equipment purchases on the company's part.

Thank you again for your continued support.

Phoebe Isales

Invite your mail contacts to join your friends list with Windows Live Spaces. It's easy! [Try it!](#)

2/15/2008

JoAnn Sutton

From: Susan OConnell
Sent: Thursday, February 12, 2009 12:29 PM
To: JoAnn Sutton
Subject: RE: TCP's Cuba application

thx!

From: JoAnn Sutton
Sent: Thu 2/12/2009 12:28 PM
To: Susan OConnell
Cc: David Krech; George Li
Subject: RE: TCP's Cuba application

Susan,

I've talked with Mr. Rodriguez and showed him where to file his withdrawal letter. If he has problems when he actually files it, I've suggested he call either Adrienne (via the IBFS Help Desk) or me.

JoAnn

From: Susan OConnell
Sent: Thursday, February 12, 2009 12:13 PM
To: JoAnn Sutton
Cc: David Krech; George Li
Subject: TCP's Cuba application

JoAnn: Could you please call Mr. Sigfrido Rodriguez to talk him through filing via IBFS the withdrawal of TCP Technologies Inc.'s application for service to Cuba (TC-214-20060909-00434). His cell phone # is 787-564-0967. He's very nice!

FYI: The company is still operating. I informed him that, so long as TCP was operating only as described in the application, as supplemented (i.e., delivering only "Internet" traffic to Cuba, although I think they are providing "Internet" and VOIP), there is currently no requirement for the company to obtain intl 214 authority. He said he still has his OFAC license. The supplement he filed also indicates that the arrangement was found "permissible" by State and there is no settlement rate between the company and ETECSA.

3/18/2009

JoAnn Sutton

From: myIBFS
Sent: Wednesday, March 18, 2009 12:57 PM
To: Jerry Ma; JoAnn Sutton; Mikelle Morra; Janeese Parker; Stephanie Shieh; Kathleen Campbell
Subject: Pleadings and Comments Notification from MyIBFS

Type of Pleading: WITHDRAWAL

Date filed: 03/18/2009

Filer Information:
Sigfrido Rodriguez
TCP Technologies Inc.

Contact Information:

Proceedings List

File Number	Callsign	Applicant
ITC2142006090900434		TCP Technologies Inc.

***** -COMM. JOURNAL - ***** DATE SEP-14-2006 ***** TIME 14:00 *****

MODE = TRANSMISSION

START=SEP-14 13:58

END=SEP-14 14:00

FILE NO.=173

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-INTERNATIONAL BUREAU -

***** -INTL BUREAU - ***** 202 418 2824- *****

Mikelle Morra
International Bureau/ Policy Division
(202) 418-7151
(202) 418-2824

**Federal
Communications
Commission**

9/14/06 cuba PN sent.

Fax

To: Mr. Sifrido Rodriguez

From: Mikelle Morra

Fax: (787) 789-0795

Pages: 6

Phone:

*did not go through,
see 2nd page
w/ # Mr.
Rodriguez supplied.*

Date: 9/14/2006

Re: Cuba Public Notice

CC:

- Urgent For Review Please Comment Please Reply Please Recycle

● Comments:
