

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
JuBe Communications, LLC)	ITC-214-20070607-00218
Termination of International Section 214)	(Terminated)
Authorization)	

ORDER

Adopted: July 1, 2016

Released: July 1, 2016

By the Chief, Telecommunications and Analysis Division, International Bureau:

I. INTRODUCTION

1. By this Order, we declare the international section 214 authorization granted to JuBe Communications, LLC (JuBe) terminated given JuBe’s inability to comply with the express condition for holding the authorization.¹ We also conclude that JuBe failed to comply with those requirements of the Communications Act of 1934, as amended (the Act) and the Commission’s rules that ensure that the Commission can contact and communicate with the authorization holder and verify JuBe is still providing service, which failures have prevented any way of addressing JuBe’s inability to comply with the condition of its authorization.

II. BACKGROUND

2. Section 214(a) of the Act prohibits any carrier from constructing, extending, acquiring, or operating any line, and from engaging in transmission through any such line, without first obtaining a certificate of authorization from the Commission.² Under section 214(c) of the Act, the Commission “may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require.”³ On July 27, 2007, the International Bureau granted JuBe an international section 214 authorization to provide global or limited global facility-based service and global or limited global resale service in accordance with section 63.18(e)(1) and 63.18(e)(2) of the Commission’s rules.⁴ The International Bureau granted the application on the express condition that JuBe abide by the commitments and undertakings contained in its Letter of Assurance (LOA) to the

¹ The International Bureau granted JuBe’s authorization under File No. ITC-214-20070607-00218. *International Authorizations Granted, Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) Requests*, Report No. TEL-01174, Public Notice, 22 FCC Rcd 14026 (IB 2007) (*JuBe International Section 214 Authorization*).

² 47 U.S.C. § 214(a); 47 CFR § 63.18 (stating any carrier seeking section 214 authority “for the provision of common carrier communications services between the United States, its territories or possessions, and a foreign point shall request such authority by formal application”). The Commission granted “blanket” section 214 authority to carriers providing domestic service but did not extend this authority to international services. *Implementation of Section 402(b)(2)(A) of the Telecommunications Act of 1996*, CC Docket No. 97-11, AAD File No. 98-43, Report and Order, Second Memorandum Opinion and Order, 14 FCC Rcd 11364, 11365-66, para. 2 & n.8 (1999).

³ 47 U.S.C. § 214(c).

⁴ *JuBe International Section 214 Authorization*, 22 FCC Rcd at 14026; 47 CFR § 63.18(e).

Department of Justice (DOJ), the Federal Bureau of Investigation, and the U.S. Department of Homeland Security (collectively, the Executive Branch Agencies) dated July 12, 2007.⁵ The LOA outlines a number of commitments made by JuBe to address national security, law enforcement, and public safety concerns.⁶

3. On December 23, 2015, the Executive Branch Agencies notified the Commission of JuBe's non-compliance with the conditions of its authorization and requested that the Commission terminate, and declare null and void and no longer in effect, the international section 214 authorization issued to JuBe.⁷ The Executive Branch Agencies believe that JuBe is no longer in existence.⁸ Specifically, according to the Texas state corporate website, JuBe voluntarily dissolved as a corporate entity and became inactive on October 14, 2010.⁹ Further, on October 19, 2015, Mr. Thomas Lynch, JuBe's designated point of contact during the application process, advised the Executive Branch Agencies that he had been unable to reach JuBe after multiple attempts through all his contacts except U.S. postal service.¹⁰ He noted that he presumed JuBe to be out of business.¹¹ Based on this, the Executive Branch Agencies state that "JuBe is neither providing services pursuant to authorization file number ITC-214-20070607-00218 nor still in existence."¹²

4. The Commission has made significant efforts to communicate with JuBe, but has also been unable to do so. On January 19, 2016, the International Bureau sent JuBe a letter to the last addresses of record requesting that JuBe respond to the *December 23, 2015 Executive Branch Letter* within 30 days of the letter, by February 18, 2016.¹³ JuBe did not respond. Since that time, the International Bureau has provided JuBe with additional opportunities to respond to these allegations.¹⁴

⁵ Petition to Adopt Conditions to Authorizations and Licenses, File No. ITC-214-20070607-00218 (filed July 27, 2007) (Petition to Adopt Conditions); Letter from Maria Eunice Juarez Bedoya, JuBe Communications, LLC, to Sigal Mandelker, Deputy Assistant Attorney General, U.S. Department of Justice, Stewart A. Baker, Assistant Secretary of Policy, U.S. Department of Homeland Security, and Elaine N. Lammert, Deputy General Counsel, Federal Bureau of Investigation (July 12, 2007).

⁶ LOA at 1-2.

⁷ Letter from Richard Sofield, Director, Foreign Investment Review Staff, National Security Division, DOJ to Marlene H. Dortch, Secretary, FCC at 1 (filed December 23, 2015) (*December 23, 2015 Executive Branch Letter*).

⁸ *Id.*

⁹ *Id.* at 1-2 (citing Texas Corporates, <http://www.texascorporates.com/corp/851900.html> (last visited June 24, 2016)).

¹⁰ *Id.* at 2 (attaching an e-mail from Thomas Lynch, Attorney, Thomas Lynch & Associates, to Jennifer Cassanelli, Foreign Investment Review Staff, U.S. Department of Justice dated October 25, 2015 at 5:29 pm).

¹¹ *Id.*

¹² *Id.*

¹³ Letter from Denise Coca, Chief, Telecommunications and Analysis Division, FCC International Bureau to Juan Carlos Castillo Vazquez, JuBe Communications, LLC (January 19, 2016) (*JuBe January 2016 Letter*).

¹⁴ First, on March 30, 2016, the Bureau released a Public Notice affording JuBe its "final notice and opportunity to respond" and stating that JuBe must do so no later than 15 days after publication of notice in the Federal Register. *Notice of Intent to Declare the International Section 214 of JuBe Communications, LLC Terminated*, File No. ITC-214-20070607-00218, Public Notice, 31 FCC Rcd 2268 (IB 2016) (*2016 JuBe Public Notice*). Second, on April 19, 2016, the Public Notice was published in the Federal Register and JuBe was required to respond within 15 days of publication, by May 4, 2016. Notice of Intent to Terminate 214 Authorization, Federal Register, 81 Fed. Reg. 22979 (April 19, 2016) (*2016 JuBe Fed. Reg. Notice*). On April 19, 2016, the Bureau mailed *2016 JuBe Public Notice* and *2016 JuBe Fed. Reg. Notice* to Mr. Juan Carlos Castillo Vazquez, JuBe Communications, LLC, 700 Lavaca Street #607, Austin, Texas 78701 (UPS tracking number 1ZA43F583598103528). On April 21, 2016, the Commission

The International Bureau stated that failure to respond would result in termination of JuBe's international section 214 authorization for failure to comply with conditions of its authorization.¹⁵ In JuBe's 2007 application, JuBe stated it was incorporated in Texas, and according to the Texas Secretary of State website, no records exist for JuBe Communications, LLC.¹⁶ To date, JuBe has not responded to any of the International Bureau or the Executive Branch Agencies' multiple requests to resolve this matter.

III. DISCUSSION

5. We determine that JuBe's international section 214 authorization to provide international services issued under File No. ITC-214-20070607-00218 has terminated for inability to comply with an express condition for holding the section 214 international authorization. The International Bureau has provided JuBe with notice and opportunity to respond to the allegations in the *December 23, 2015 Executive Branch Letter* concerning JuBe's non-compliance with the condition of the grant. JuBe has not responded to any of our multiple requests or requests from the Executive Branch Agencies. We find that JuBe's failure to respond to our multiple requests demonstrates that it is unable to satisfy the LOA conditions, upon which the Executive Branch Agencies gave their non-objection to the grant of the authorization to JuBe, and which is a condition of the grant of its section 214 authorization.

6. Furthermore, after having received an international 214 authorization, 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."¹⁷ JuBe has failed to inform the Commission of any changes in its business status of providing international telecommunications services, as required by the rules.¹⁸ Nor is there any record of JuBe having complied with section 413 of the Act and the Commission's rules requiring it to designate an agent for service after receiving its authorization on July 27, 2007.¹⁹ Finally, as part of its authorization, JuBe "must file annual international telecommunications traffic and revenue as required by § 43.62."²⁰ Section 43.62(b) states 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."²¹ Our records indicate

received a return notice from UPS as "the receiver is out of business." On April 19, 2016, the Bureau also mailed *2016 JuBe Public Notice* and *2016 JuBe Fed. Reg. Notice* to Mr. Juan Carlos Castillo Vazquez, JuBe Communications, LLC, 1211 San Dano Ave. #1494, Laredo, Texas 78040 (UPS tracking number 1ZA43F583599031541), which were delivered on April 21, 2016. On April 19, 2016, the Bureau sent the notices via UPS (1ZA43F583598759535) to Mr. Thomas Lynch, the contact in JuBe's application, which were delivered on April 20, 2016.

¹⁵ *2016 JuBe Public Notice* at 1.

¹⁶ See Texas Secretary of State, <http://www.sos.state.tx.us/>; see also Texas Corporates, <http://www.texascorporates.com/corp/851900.html> (last visited June 24, 2016).

¹⁷ 47 CFR § 63.21(a).

¹⁸ *Id.* In addition, there is no indication that JuBe is currently providing service pursuant to its section 214 authorization. If JuBe has discontinued service, it is also in violation of the Commission's rules requiring prior notification for such a discontinuance. 47 C.F.R. § 63.19.

¹⁹ Section 413 of the Act requires every carrier to designate an agent for service. 47 U.S.C. § 413. See also 47 CFR §§ 1.47(h), 64.1195.

²⁰ 47 CFR § 63.21(d).

²¹ 47 CFR § 43.62(b) (emphasis added). In 2013, the Commission adopted section 43.62(b) of its rules, which went into effect on February 11, 2015. *Reporting Requirements for U.S. Providers of International Telecommunications Services; Amendment of Part 43 of the Commission's Rules*, IB Docket No. 04-112, Second Report and Order, 28

that JuBe failed to file an annual international telecommunications traffic and revenue report indicating whether or not JuBe provided services in 2015, as required by section 43.62(b) of the Commission's rules.²² In these circumstances, and in light of JuBe's failure to respond to the Commission's rules designed to ensure its ability to communicate with the holder of the authorization also warrants termination wholly apart from demonstrating JuBe's inability to satisfy the LOA conditions of its authorization.

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 214, and 413 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 214, 413, and sections 1.47(h), 43.62, 63.18, 63.21, 63.22(h), 63.23(e), and 64.1195 of the Commission's rules, 47 CFR §§ 1.47(h), 43.62, 63.18, 63.21, 63.22(h), 63.23(e), 64.1195, that the international 214 authorization issued under File No. ITC-214-20070607-00218 IS HEREBY TERMINATED AND DECLARED NULL AND VOID.

8. IT IS FURTHER ORDERED that the request of the U.S. Department of Justice, the Federal Bureau of Investigation, and the U.S. Department of Homeland Security, IS HEREBY GRANTED, to the extent set forth in this Order.

9. IT IS FURTHER ORDERED that a copy of this Order shall be sent by return receipt requested to JuBe Communications, LLC at its last known addresses.

10. IT IS FURTHER ORDERED that a copy of this Order, or a summary thereof, shall be published in the Federal Register.

11. This Order is issued on delegated authority under 47 C.F.R. §§ 0.51, 0.261, and is effective upon release. Petitions for reconsideration under section 1.106 of the Commission's rules, 47 C.F.R. § 1.106, or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. § 1.115, may be filed within 30 days of the date of the release of this Order.

FEDERAL COMMUNICATIONS COMMISSION

Denise Coca
Chief, Telecommunications and Analysis Division
International Bureau

FCC Rcd 575 (2013); Reporting Requirements for U.S. Providers of International Telecommunications Services, 80 Fed. Reg. 7547 (Feb. 11, 2015).

²² 47 CFR § 43.62(b).