



Federal Communications Commission
Washington, D.C. 20554

August 20, 2018

Mr. Richard Taiwo
Air Channel Communications, Inc.
10 S. Riverside Plaza, Suite 1800
Chicago, Illinois 60606

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**Re: Potential Termination of International Section 214 Application
File No. ITC-214-20070611-00223**

Dear Mr. Taiwo:

We are forwarding for your response the attached letter submitted on July 17, 2018 by the Department of Justice (DOJ), including the Federal Bureau of Investigation (FBI), with the concurrence of the Department of Homeland Security (DHS) (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Branch Agencies request that the Federal Communications Commission (Commission) terminate, declare null and void and no longer in effect Air Channel Communications, Inc.’s (Air Channel) international Section 214 authorization granted on October 15, 2007 and the corresponding Letter of Assurance.² The Executive Branch Agencies make this request because they believe Air Channel is no longer in business and is unable to provide evidence that it complies with the conditions and undertakings contained in the LOA, a condition of its international Section 214 authorization.³

After receiving an international 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.”⁴ Air Channel has failed to inform the Commission of any changes in its business status of providing international telecommunications services, as required by Section 63.21(a) of the Commission’s rules.⁵

¹ 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 (July 17, 2018) (DOJ Letter).

² FCC, International Bureau, *International Authorizations Granted*, Report No. TEL-01197, Public Notice, 22 FCC Rcd 18581 (IB 2007); Letter from Richard Taiwo, President, Air Channel Communications, Inc., to Sigal P. Mandelker, Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice, Steward A. Baker, Assistant Secretary of Policy, U.S. Department of Homeland Security, and Elaine N. Lammert, Deputy General Counsel, Federal Bureau of Investigation (July 31, 2007) (LOA).

³ DOJ Letter at 1-2; *id.* at 1 (“The Agencies assess that Air Channel is no longer in business based on attempted contact with the company, evidence acquired through open source, and information provided by a former point of contact.”).

⁴ 47 CFR § 63.21(a).

⁵ *Id.*; DOJ Letter at 2 (stating that the Office of Illinois Secretary of State lists Air Channel’s business status as “revoked”). In addition, there is no indication that Air Channel is currently providing service pursuant to its Section 214 authorization. If Air Channel has discontinued service, it may also be in violation of the Commission’s rules requiring prior notification for such a discontinuance. 47 CFR § 63.19.

Additionally, as part of its authorization, Air Channel was required to file an annual international telecommunications traffic and revenue report, as required by Section 43.62 of the Commission's rules which was in effect until April 2018.⁶ Specifically, Section 43.62(b) of the Commission's rules 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."⁷ Our records indicated that Air Channel, however, did not submit traffic and revenue reports indicating whether or not it provided services for the 2014 and 2015 reporting periods and may be in violation of section 43.62 of the Commission rules.⁸

We require that you respond to the Executive Branch Agencies' allegations and possible violation of the Commission's rules within 30 days from the date of this letter, by **Wednesday, September 19, 2018**. In your response, please describe any steps that you are taking or will take with the Executive Branch Agencies to resolve their concerns. If Air Channel is no longer in business, changed its name, or is no longer providing services under its international Section 214 authorization and does not intend to do so in the future, please indicate whether Air Channel is surrendering its authorization. Finally, Air Channel must adhere to the Commission's rules designed to ensure its ability to communicate with the authorization holder and to verify if Air Channel is still providing service, failure to do so may also warrant termination, wholly apart from Air Channel's non-compliance with the condition of its international Section 214 authorization.

A failure to respond to this letter 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 terminating Air Channel's international Section 214 authorization.

⁶ 47 CFR § 43.62(b). 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 Rules*, IB Docket No. 04-112, Second Report and Order, 28 FCC Rcd 575 (2013); *Reporting Requirements for U.S. Providers of International Telecommunications Services*, 80 Fed. Reg. 7547 (Feb. 11, 2015). On October 24, 2017, the Commission eliminated the annual traffic and revenue reporting requirement. *Section 43.62 Reporting Requirements for U.S. Providers of International Services; 2016 Biennial Review of Telecommunications Regulations*, IB Docket Nos. 17-55 and 16-131, Report and Order, 32 FCC Rcd 8115, 8119, paras. 8-23 (2017); *Section 43.62 Reporting Requirements for U.S. Providers of International Services; 2016 Biennial Review of Telecommunications Regulations* 83 Fed. Reg. 17931 (April 25, 2018).

⁷ 47 CFR § 43.62(b).

⁸ FCC, International Bureau, 2014 U.S. International Telecommunications Traffic and Revenue Data (IB July 2016), https://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0701/DOC-340121A3.pdf; FCC, International Bureau, Section 43.62 Online Filing (June 28, 2016), <https://www.fcc.gov/general/section-4362-online-filing>.

Sincerely,



Denise Coca
Division Chief
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Enclosures:

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