

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FILED/ACCEPTED
JUN - 4 2008
Federal Communications Commission
Office of the Secretary

In the Matter of)

Ekofon, Inc.)

) File No. ITC-214-20071013-00427
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**PETITION TO ADOPT CONDITIONS TO
AUTHORIZATIONS AND LICENSES**

The Department of Justice (“DOJ”) and the Department of Homeland Security (“DHS”) (collectively, the “Agencies”), submit this Petition to Adopt Conditions to Authorizations and Licenses (“Petition”), pursuant to Section 1.41 of the Federal Communications Commission (“Commission”) rules.¹ Through this Petition, the Agencies advise the Commission that they have no objection to the Commission approving the authority sought in the above-referenced proceeding, provided that the Commission conditions its approval on the agreement of Ekofon, Inc., to abide by the commitments and undertakings set forth in its May 14, 2008 letter to Mr. Stewart A. Baker, Assistant Secretary for Policy, U.S. Department of Homeland Security, and the Assistant Attorney General, National Security Division, U.S. Department of Justice (the “Letter”), which is attached hereto.

In the above-referenced proceeding, Ekofon has petitioned the Commission on behalf of for authority to provide international resold services to all international points under Section 214 of the Communications Act of 1934, as amended.

¹ 47 C.F.R. § 1.41.

The Commission has long recognized that law enforcement, national security, and public safety concerns are part of its public interest analysis, and has accorded deference to the views of other U.S. government agencies with expertise in those areas. *See In the Matter of Comsat Corporation d/b/a Comsat Mobile Communications, etc.*, 16 FCC Rcd. 21,661, 21707 ¶ 94 (2001).

After discussions with representatives of Ekofon, Inc. in connection with the above-referenced proceeding, the Agencies have concluded that the additional commitments set forth in the Letter will help ensure that the Agencies and other entities with responsibility for enforcing the law, protecting the national security, and preserving public safety can proceed appropriately to satisfy those responsibilities. Accordingly, the Agencies advise the Commission that they have no objection on those grounds to the Commission granting the above-referenced requests for transfer of control, provided that the Commission conditions its consent on compliance by the Companies with the commitments set forth in the Letter.

The Agencies are authorized to state that Ekofon does not object to the grant of this Petition.

Respectfully submitted,

/s/ Charles M. Steele
Charles M. Steele
Chief of Staff
National Security Division
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
(202) 514-1057

/s/ Stewart A. Baker
Stewart A. Baker
Assistant Secretary for Policy
U.S. Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, DC 20528

June 4, 2008



May 14th, 2008.

Assistant Attorney General
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Mr. Stewart A. Baker
Assistant Secretary for Policy
U.S. Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, D.C. 20528

Re: Pending application by EkoFon, Inc. for authorization under Section 214 of the Communications Act of 1934, as amended

Sirs:

This letter outlines the commitments made by EkoFon, Inc. ("EkoFon") to the U.S. Department of Justice ("DOJ") and to the U.S. Department of Homeland Security ("DHS"), in order to address national security, law enforcement, and public safety concerns raised with regard to the EkoFon application to the Federal Communications Commission ("FCC") for an international authorization for authority to provide international resold services to all international points under Section 214 of the Communications Act of 1934, as amended.

EkoFon is a U.S. corporation seeking an authorization from the FCC to provide international resold services to all international points under Section 214 of the Communications Act of 1934, as amended. EkoFon intends to provide prepaid phone cards, resold telephone minutes outside of the United States, Internet telephony and systems integration and network management services for Voice over IP service providers.

EkoFon agrees that, for all EkoFon customer billing records, subscriber information, and any other related information used, processed, or maintained in the ordinary course of business relating to communications services offered in the United States ("U.S. Records"), EkoFon will store either originals or copies of originals in the United States and make such U.S. Records available in response to lawful U.S. process.¹ For these purposes, U.S. Records shall include information subject to disclosure to a U.S. Federal or state governmental entity under the procedures specified in Sections 2703(c) and (d) and Section 2709 of Title 18 of the United States Code. EkoFon also agrees to ensure that U.S. Records are not made subject to mandatory destruction under any foreign laws.

We understand that, upon execution of this letter by an authorized representative or attorney for EkoFon, DOJ and DHS shall notify the FCC that they have no objection to the FCC's grant of the EkoFon application filed with the FCC.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor A. Trevino", written over a horizontal line.

Victor A. Trevino
President
EkoFon, Inc.

¹ This statement does not supercede or replace EkoFon's other duties to comply with any applicable FCC requirements and regulations. EkoFon acknowledges that it must also meet any other applicable FCC regulatory requirements, including but not limited to any requirements related to the storage and protection of Customer Proprietary Network Information (CPNI).