



Federal Communications Commission
Washington, D.C. 20554

June 30, 2011

Mr. Mohammad Al-Hindi
Modern Gate Telecom LLC
160 Greentree Drive Suite 101
Dover, DE 19904

RE: **NOTICE OF DISMISSAL**
File No. ITC-214-20071019-00425
Modern Gate Telecom LLC

Dear Mr. Al-Hindi:

On March 24, 2011, we requested by official correspondence, also forwarded to you by e-mail, information about the status of your application referenced above.¹ You were advised that the Commission's rules provide that failure to respond to information requests would subject the application to dismissal without prejudice.

On January 3, 2011, the Executive Branch notified the Commission that the applicant had failed to respond to several requests for information and asked that the application be dismissed. To date, you have failed to respond to both the Commission's March 24, 2011 and the Executive Branch's several attempts at correspondence.

Accordingly, we have dismissed your application without prejudice, by the attached Public Notice Report No. TEL-01504; DA No. 11-1143; released June 30, 2011.

Sincerely,

A handwritten signature in cursive script that reads "James L. Ball".

James L. Ball
Chief, Policy Division
International Bureau

¹ Letter from James L. Ball, Chief, Policy Division, International Bureau, FCC, to Mr. Mohammad Al-Hindi, Modern Gate Telecom, LLC, March 24, 2011 ("March 24 Letter").

Adrienne Downs

From: Adrienne Downs
Sent: Tuesday, October 12, 2010 4:52 PM
To: 'hynch@telecomlawyers.com'
Cc: JoAnn Sutton
Subject: FCC Application Status Request

I am requesting information about the status of the application, currently pending before the International Bureau, filed by Modern Gate Telecom LLC ITC-214-20071019-00425 on October 19, 2007 for authority to provide international services. Our records indicate that the Commission is currently awaiting completion of the review of the application by the Executive Branch agencies. Normally, that review entails a request by those agencies for additional information needed for their review and a response by the applicant.

Please advise me by October 26, 2010 of your understanding of the status of the application in the Executive Branch review process, so that we can assess whether we can take action on the application. Also, please confirm that you continue to seek Commission action on the application.

Thank You.

Adrienne Downs
Industry Analyst
International Bureau, Policy Division
Federal Communications Commission

Adrienne Downs

From: TTelecom (SMO) [TTelecom@usdoj.gov]
Sent: Monday, January 03, 2011 3:59 PM
To: Adrienne Downs
Cc: JoAnn Sutton; George Li; Jodie May; ip-fcc@dhs.gov; twg@leo.gov; James Ball; Hojati, Shahram (NSD); David Krech; 'twg@leo.gov'; 'MLA dd - OSD-NII GTF CFIOUS Team Forwarding'
Subject: RE: Request for Dismissal for FCC # ITC-214-20071019-00425 Modern Gate (TT 07-32)

Hi Adrienne,

DOJ has not heard back from Tom Lynch nor the applicant regarding this matter. Given the length of time that this application has been pending and the failure of the Applicant to respond to our request for information, we are asking that the FCC dismiss this application without prejudice.

The point of contact is Siobhan Dupuy at (202) 233-0728.
Thanking you in advance,

Marilyn Shaifer
Administrative Specialist
Foreign Investment Review Staff
National Security Division

Phone (202) 233-0751
Fax: (202) 233
Email: marilyn.shaifer@usdoj.gov

From: Adrienne Downs [mailto:Adrienne.Downs@fcc.gov]
Sent: Friday, December 03, 2010 2:02 PM
To: Shaifer, Marilyn (SMO)
Cc: JoAnn Sutton; George Li; Jodie May; ip-fcc@dhs.gov; twg@leo.gov; Adrienne Downs; James Ball; Brown, Tyrone (SMO); Hojati, Shahram (SMO); David Krech
Subject: FW: Request for Dismissal for FCC # ITC-214-20071019-00425 Modern Gate

Below is the response I got when I contacted Mr. Lynch about Modern Gate. If you have still not heard anything back from either Tom Lynch or the applicant by December 17th. Please let me know and we will begin the dismissal process. Thanks

Adrienne Downs
202-418-0412

From: Thomas Lynch [mailto:thynch@brennanlynchlaw.com]
Sent: Friday, December 03, 2010 1:56 PM
To: Adrienne Downs
Subject: VM

Adrienne,

1/12/2011

Mr. Hasayn is interested in the 214 for Modern Gate. I am reaching out to him to get the triage answers. Please don't dismiss.

Tom

Thomas M. Lynch, Esq.
Brennan Lynch LLP
Attorneys at Law
(410) 268-2600 x 100/direct
(443) 926-0574/efax
www.brennanlynchlaw.com

This message contains information which is confidential or privileged. If you are not the intended recipient, please notify me immediately by telephone or electronic mail and delete this e-mail. Any unauthorized disclosure, copying, distribution or use of the contents of this information is prohibited. Thank you.

1/12/2011

Adrienne Downs

From: Shaifer, Marilyn (SMO) [Marilyn.Shaifer@usdoj.gov]
Sent: Monday, November 22, 2010 8:42 AM
To: JoAnn Sutton; George Li
Cc: Brown, Tyrone (SMO); Hojati, Shahram (SMO); David Krech; MLA dd - OSD-NII GTF CFIUS Team
Forwarding: Jodie May; jp-fcc@dhs.gov; ttwg@leo.gov; Adrienne Downs; James Ball
Subject: Request for Dismissal for FCC # ITC-214-20071019-00425 Modern Gate

Good Morning FCC,

We have an application for which DOJ has not received follow-up answers after multiple requests for this information. Given the length of time that this application has been pending and the failure of the Applicant to respond to our request for information, we are asking that the FCC dismiss this application without prejudice.

We would like to confirm first that the Applicant has not communicated with you, and then to request that this application be dismissed.

Modern Gate application (ITC-214-20071019-00425)

The point of contact is Siobhan Dupuy at (202) 353-2041.

Thanking you in advance,

Marilyn Shaifer

Administrative Specialist

Foreign Investment Review Staff

National Security Division

Phone: (202) 514-5098

Fax: (202) 305-4211

Email: marilyn.shaifer@usdoj.gov

12/2/2010

Adrienne Downs

From: Adrienne Downs
Sent: Thursday, June 30, 2011 4:47 PM
To: 'hynch@telecomlawyers.com'
Cc:

George Li; David Krech; Susan OConnell; JoAnn Sutton; James Ball;
'Douglas.Klein@ic.fbi.gov'; 'edward.hand@usdoj.gov'; 'hillary.Morgan@disa.mil';
'jarnold@nta.doc.gov'; 'vbarrish@askcalcalea.net'; 'maydc@state.gov'; 'letsw@state.gov';
'Christopher.Stiefken@ic.fbi.gov'; 'Marilyn.Shaifer@usdoj.gov'; 'Tyronne.Brown@usdoj.gov';
'Brian.Williams@associates.dhs.gov'; 'Shawn.Cooley@dhs.gov'; 'TTelecom@usdoj.gov';
'Siobhan.Dupuy@usdoj.gov'; 'alex.daman@dhs.gov'; 'Joanne.Ongman@usdoj.gov';
'Jennifer.Rockoff@usdoj.gov'; 'jmhale@ustr.gov'; 'Richard.Soffield2@usdoj.gov';
'glenn.kaminsky@hq.dhs.gov'; 'dale.barr@hq.dhs.gov'; 'scott_m_deutchman@ostp.eop.gov';
'IP-FCC@dhs.gov'; 'John.Delmore@ic.fbi.gov'; 'Thomas.Doyle@associates.dhs.gov';
'patrick.j.fonzo@ugov.gov'; 'twg@leo.gov'; 'Kimberly.Schmid@usdoj.gov'
Application for 214 Authority for Modern Gate Telecom, LLC

Subject:

Attachments: TEL01504.pdf; Modern Gate.pdf

Please see the attached letter.



TEL01504.pdf (37 KB) Modern Gate.pdf (478 KB)



Adrienne Downs
International Bureau, FCC
(202) 418-0412
Adrienne.Downs@fcc.gov

George Li

From: George Li
Sent: Monday, November 22, 2010 8:59 AM
To: 'Shaifer, Marilyn (SMO)'; 'Dupuy, Siobhan (SMO)'
Cc: Adrienne Downs
Subject: RE: Request for Dismissal for FCC # ITC-214-20071019-00425 Modern Gate

Thank you. Will work on.

From: Shaifer, Marilyn (SMO) [mailto:Marilyn.Shaifer@usdoj.gov]
Sent: Monday, November 22, 2010 8:42 AM
To: JoAnn Sutton; George Li
Cc: Brown, Tyrone (SMO); Hojati, Shahram (SMO); David Krech; MLA dd - OSD-NII GTF CFIUS Team Forwarding; Jodie May; ip-fcc@dhs.gov; thwg@leo.gov; Adrienne Downs; James Ball
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Thanking you in advance,

Marilyn Shaifer

Administrative Specialist

Foreign Investment Review Staff

National Security Division

Phone: (202) 514-5098

Fax: (202) 305-4211

Email: marilyn.shaifer@usdoj.gov

11/22/2010

Mikelle Morra

From: Pinto, Greg [Greg.Pinto@dhs.gov] ✓
Sent: Wednesday, November 14, 2007 4:27 PM
To: George Li; Susan OConnell; Mikelle Morra; Joann Ekblad; David Krech
Cc: Doyle, Thomas; James Ball; Daniels, Douglas; Daman, Alex
Subject: [TTJ] FCC application status for week of 11/12/07--2007-47

Good Afternoon:

Please be advised that DOJ, FBI and DHS request that the following applications be REMOVED from
streamline:

- 1) **Modern Gate Telecom LLC -- ITC-214-20071019-00425,**
- 2) Ekofon, Inc. -- ITC-214-20071013-00427
- 3) Onchannel Communications, Corp. -- ITC-214-20071023-00433

Thank you,

Greg

Gregory Pinto
Director
Regulatory Policy
Department of Homeland Security
Tel: (202) 282-8592
Cel: (202) 631-0671

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11/19/2007

JoAnn Sutton

From: Thomas Lynch [tlynch@brennanlynchlaw.com]
Sent: Tuesday, October 12, 2010 5:06 PM
To: Adrienne Downs
Cc: JoAnn Sutton
Subject: RE: FCC Application Status Request

Adrienne,

Modern Gate Telecom submitted its triage answers back in 2008. Follow up questions were sent by Team Telecom, and I have been unable to reach the principals for an answer. I will try again to see if there is still someone available to answer the questions.

Best regards,

Tom

From: Adrienne Downs [mailto:Adrienne.Downs@fcc.gov]
Sent: Tuesday, October 12, 2010 4:52 PM
To: Thomas Lynch
Cc: JoAnn Sutton
Subject: FCC Application Status Request

I am requesting information about the status of the application, currently pending before the International Bureau, filed by Modern Gate Telecom LLC ITC-214-20071019-00425 on October 19, 2007 for authority to provide international services. Our records indicate that the Commission is currently awaiting completion of the review of the application by the Executive Branch agencies. Normally, that review entails a request by those agencies for additional information needed for their review and a response by the applicant.

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Adrienne Downs

Industry Analyst

International Bureau, Policy Division

Federal Communications Commission

3/7/2011