



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 18-1199
November 27, 2018

FINAL NOTICE OF INTENT TO DECLARE THE INTERNATIONAL SECTION 214 AUTHORIZATION OF CABLEMAS INTERNATIONAL TELECOMM, LLC TERMINATED

File No. ITC-214-20080718-00329

By this Public Notice, the International Bureau (Bureau) affords Cablemas International Telecomm, LLC (Cablemas) final notice and opportunity to respond to the March 6, 2018 letter submitted by the Department of Homeland Security (DHS).¹ DHS requests that the FCC terminate, declare null and void and no longer in effect Cablemas' international Section 214 authorization and the corresponding Letter of Assurance, compliance with which is an express condition of its authorization.² DHS makes this request because it believes that Cablemas is no longer in business.³

On September 6, 2018, the Bureau's Telecommunications and Analysis Division sent a letter to Cablemas at the last known address on record via certified, return receipt mail asking Cablemas to respond to DHS' allegations and possible violations of the Commission's rules by Monday, October 8, 2018.⁴ The *Cablemas Letter* stated that failure to respond will be deemed as an admission of the facts alleged by DHS and the Commission and will result in the issuance of an order to terminate Cablemas' international Section 214 authorization.⁵ The Corporation Trust Company received the *Cablemas Letter* and on September 10, 2018 responded stating that its "representation services were discontinued and all

¹ Letter from Phil Ludvigson, Director, Foreign Investment Risk Management, Office of Policy, U.S. Department of Homeland Security, to Marlene H. Dortch, Secretary, FCC (filed Mar. 6, 2018) (*DHS Letter*).

² *Id.* at 1; FCC, *International Bureau, International Authorizations Granted*, Report No. TEL-01331, Public Notice, 23 FCC Rcd 17386 (IB 2008); Letter from Carlos Miguel Alvarez Figueroa, Chief Executive Officer, Cablemas International Telecomm, LLC to Stewart A. Baker, Assistant Secretary of Policy, U.S. Department of Homeland Security (Nov. 19, 2008).

³ *DHS Letter* at 1.

⁴ Letter from Denise Coca, Chief, Telecommunications and Analysis Division, International Bureau, FCC to Mr. Carlos Miguel Alvarez Figueroa, Chief Executive Officer, Cablemas International Telecomm, LLC (Sept. 6, 2018) (*Cablemas Letter*). The letter was sent via certified, return receipt requested to the address on its international Section 214 application (Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801). A copy of this letter and the *DHS Letter* may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for File No. ITC-214-20080718-00329 and accessing the "Other Filings Related to this Application" from the Document Viewing area.

⁵ *Id.* at 2.

(continued...)

process sent to the last known address on our records was returned as undeliverable.”⁶ The Corporation Trust Company added that it did not have any valid address for the company.⁷

Additionally, Cablemas may be in violation of several other Commission statutory and rule provisions. The *Cablemas Letter* states that Cablemas did not 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.⁸ The *Cablemas Letter* also states there is no indication that Cablemas is currently providing service pursuant to its international Section 214 authorization and if Cablemas has discontinued service, it may also be in violation of Section 63.19 of the Commission’s rules requiring prior notification for such a discontinuance.⁹ Further, as a part of its authorization, Cablemas was required to file an annual international telecommunications traffic and revenue report pursuant to Section 43.62 of the Commission’s rules, which was in effect until April 2018.¹⁰ Specifically, Section 43.62(b) of the Commission’s rules required 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 services during the preceding calendar year.”¹¹ Cablemas, however, did not submit traffic and revenue reports for the 2014 and 2015 reporting periods.¹²

Cablemas’ failure to respond to this Public Notice will be deemed an admission of the facts alleged by DHS and of the violation of the statutory and rule provisions set out above. The Bureau hereby provides final notice to Cablemas that it intends to take action and issue an Order declaring Cablemas’ international Section 214 authorization terminated for failure to comply with the conditions of its authorization. We further advise Cablemas that its non-compliance with the applicable statutory and rule provisions would warrant termination wholly apart from Cablemas’ inability to satisfy the conditions of its authorization. **Cablemas must respond to the issues alleged in this Public Notice no later than 15 days of the date of this Public Notice.**

Cablemas should send its response to Denise Coca, Chief, Telecommunications and Analysis Division, International Bureau at Denise.Coca@fcc.gov and to Cara Grayer, Attorney Advisor, Telecommunications and Analysis Division, International Bureau at Cara.Grayer@fcc.gov and file it in File No. **ITC-214-20080718-00329** via IBFS at <http://licensing.fcc.gov/myibfs/pleading.do>.

The proceeding in this Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in

⁶ Letter from The Corporation Trust Company to Denise Coca, Chief, Telecommunications and Analysis Division, International Bureau, FCC (Sept. 10, 2018) (“Since we do not have any other addresses in our files to which we can forward the papers, we are returning them to you and filing resignation of agent in all states where permitted.”).

⁷ *Id.*

⁸ *Cablemas Letter* at 1 (stating that after receiving an international Section 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”); 47 CFR § 63.21(a).

⁹ *Id.* at 1, n.5 (citing 47 CFR § 63.19).

¹⁰ *Id.* at 1-2, n.6 (citing 47 CFR § 43.62(b) and providing subsequent history).

¹¹ 47 CFR § 43.62(b) (2015).

¹² *Cablemas Letter* at 2, n.8.

¹³ 47 CFR § 1.1200 *et seq.*

the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).¹⁴ In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Cara Grayer, Telecommunications and Analysis Division, International Bureau, (202) 418-2960.

- FCC-

¹⁴ 47 CFR § 1.1206(b).