

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

In the Matter of)
)
Cablemas International Telecomm, LLC)
) File No. ITC-214-20080718-00329
Application for Authority to Provide)
Facilities-Based and Resale Services)
between the United States and Permissible)
International Points)
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**PETITION TO ADOPT CONDITIONS TO
AUTHORIZATIONS AND LICENSES**

The Department of Homeland Security (“DHS”) and the Department of Justice (“DOJ”) (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 Cablemas International Telecomm, LLC to abide by the commitments and undertakings set forth in its November 19, 2008 letter to Mr. Stewart Baker, Assistant Secretary for Policy, DHS, (the “Letter”) which is attached hereto.

In the above-referenced proceeding, Cablemas International Telecomm, LLC has petitioned the Commission for authorization to provide international facilities-based and resale services to all permissible international points under Section 214 of the Communications Act of

¹ 47 C.F.R. § 1.41.

1934, as amended.

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 Cablemas International Telecomm, LLC in connection with the above-referenced proceeding, the Agencies have concluded that the commitments set forth in the Letter will help ensure that the Agencies and other entities with responsibility for enforcing the law, protecting national security, and preserving public safety can proceed appropriately to satisfy those responsibilities. Accordingly, the Agencies advise the Commission that they have no objection to the Commission granting the application in the above-referenced proceeding, provided that the Commission conditions its consent on compliance by Cablemas International Telecomm, LLC with the commitments set forth in the Letter.

The Agencies are authorized to state that Cablemas International Telecomm, LLC 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

/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

November 20, 2008

Cablemas Telecommunications, LLC

November 19 2008

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

Re: Pending FCC Application for Authority to Provide International Facilities-Based and Resale Services to All International Points, ITC-214-20080718-00329

Dear Mr. Baker:

This letter outlines the commitments made by Cablemas International Telecomm, LLC ("Cablemás"), a Delaware limited liability company, to the U.S. Department of Homeland Security ("DHS"), in order to address national security, law enforcement and public safety concerns regarding Cablemás' above-referenced application to the Federal Communications Commission ("FCC").

Cablemás seeks to provide various telecommunications services between the United States and Mexico, including: internet access; data services; fiber optic capacity; private voice lines; long distance telephone service over the public switched telephone network; "900" & "800" services; and prepaid calling cards. These services will require the installation of new telecommunications infrastructure at and between various facilities in the United States.

Cablemás agrees that it will provide notice to DHS of all telecommunications facilities Cablemás establishes or utilizes in the United States. Such notice will include: a description of the facility's location and ownership; a listing of the principal equipment installed therein, to include manufacturer and model information; and a list of all contractors who will provide maintenance or security services. Upon request from DHS, Cablemás agrees to provide any additional information that reasonably relates to the physical security and cybersecurity of Cablemás' domestic telecommunications infrastructure. Cablemás agrees to keep its notices current and factually accurate by providing DHS notice of any changes in circumstances, with such notice to be provided in advance when practicable, and if impracticable, within five business days following the change in circumstances. Cablemás agrees that it will negotiate in good faith with DHS to resolve any national security, law enforcement and public safety concerns that DHS may raise.

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Cablemás agrees that it will notify DHS before it seeks to commence the sale (or resale) of any services not currently offered and described in this letter, or if there are any other material changes in any of the facts as represented in this letter. All notices to be provided to DHS shall be transmitted via e-mail to the DHS Assistant Secretary for Policy at ip-fcc@dhs.gov.

Cablemás agrees that, for all Cablemás 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"), Cablemás 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 includes 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. Cablemás also agrees to ensure U.S. Records maintained pursuant to this letter are not made subject to mandatory destruction under any foreign laws.

Cablemás understands that, in the event the commitments set forth in this letter are breached, in addition to any other remedy available at law or equity, DHS may request that the FCC modify, condition, revoke, cancel, or render null and void any relevant license, permit, or other authorization granted by the FCC to Cablemás or any successor-in-interest to it.

Cablemás understands that, upon execution and delivery of this letter by authorized representatives or attorneys for Cablemás, DHS will notify the FCC that it has no objection to the FCC's grant of the above-referenced application.

Sincerely,


Carlos Miguel Álvarez Figueroa
Chief Executive Officer, Cablemas

¹ This statement does not supersede or replace Cablemás' other duties to comply with any applicable FCC requirements and regulations. Cablemás 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).