



Federal Communications Commission
Washington, D. C. 20554

International Bureau

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October 10, 2008
Ref: 2008-45

| | | | |
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Re: Section 214, 310 (b)(4) and submarine cable license applications

Dear Sir or Madam:

Please review the following applications and advise us whether you have any national security, law enforcement, foreign policy or trade concerns by **C.O.B. Oct. 27, 2008**, because we are prepared to take action on these applications. **Electronic filed (e-file) applications are able to be viewed by accessing www.fcc.gov/ibfs and searching by the file number.**

ITC-214-20081006-00449 (e-file)
POP2Call, LLC's application for authority to provide resale services between the United States and permissible international points. Applicant is 50% owned by a U.S. company which, in turn, is 30% owned by a citizen of **Israel**.

ITC-214-20081006-00450 (e-file)
Global 1 Touch's application for authority to provide resale services between the United States and permissible international points. Applicant is 30% owned by a citizen of **Israel**.

ITC-214-20081007-00451 (e-file)
Blue Apple Telecom Corp.'s application for authority to provide facilities-based and resale services between the United States and permissible international points. Applicant is 50% owned by a citizen of **Dominican Republic**.

SCL-LIC-20081008-00017 (e-file)
Office des postes et Telecommunications de Polynesie francaise (OPT)'s application for a license to land and operate a common carrier fiber optic submarine cable directly linking Tahiti and Hawaii. OPT is a public owned corporation headquartered in Tahiti and existing under the laws of French Polynesia. OPT is wholly owned by the **Government of French Polynesia**.

ITC-214-20081008-00452 (e-file)
Office des postes et Telecommunications de Polynesie francaise (OPT)'s application for authority to provide facilities-based and resale services between the United States and permissible international points.

ITC-214-20081008-00453 (e-file)

Office des postes et Telecommunications de Polynesie francaise (OPT)'s application for authority to construct a common carrier fiber optic submarine cable system between Hawaii and Tahiti, French Polynesia.

ISP-PDR-20080702-00017 (e-file)

Choice Holdings LLC (Choice Holdings or "Petitioner") requests that the Commission extend its existing declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), to cover the acquisition, through auction, of Advanced Wireless Services ("AWS") and broadband Personal Communications Services ("PCS") licenses by its subsidiary, Choice Phone, LLC, to any level of geographic coverage, including a nationwide footprint. Choice Phone was a winning bidder in Auction No. 78. See ULS File Nos. 0003572217 and 0003572218; DA 08-1953 (rel. Aug. 25, 2008). Petitioner states that its earlier ruling authorized the indirect foreign ownership of its subsidiaries, Choice Phone, which holds Specialized Mobile Radio licenses and 700 MHz licenses, and Wave Runner, which holds broadband PCS radio licenses. See DA 07-3402 (rel. July 26, 2007), DA 08-1223 (rel. May 29, 2008).

Choice Holdings, Choice Phone, and Wave Runner are limited liability companies organized under the laws of Guam. See ULS File No. 0003476539. According to the petition, Choice Holdings holds directly approximately 100 percent of the equity and voting interests in Choice Phone and Wave Runner. Richard C. Yu, a U.S. citizen, holds directly less than 1 percent of the equity and voting interests in each carrier. The following individuals hold direct equity and voting interests in Choice Holdings: (1) Ronnie S. Lim, a citizen of the Philippines, a World Trade Organization (WTO) Member country (25%), (2) Richard C. Yu, a U.S. citizen (28%), (3) Jeselyn T. Yu, a U.S. citizen (18%), and (4) Angelie C. Ong, a U.S. citizen (29%).

According to the petition, Mr. Yu is the Managing Member of, and holds de facto control over, Choice Holdings, Choice Phone, and Wave Runner. The petition states that no other individual holds de facto control, and no change is expected to be made to the current control of the companies. The petition also states that Mr. Lim will acquire an additional 10 percent direct equity and voting interest in Choice Holdings from Mr. Yu, thereby exceeding the 25 percent benchmark in section 310(b)(4) of the Act. Mr. Yu will continue to function as Managing Member of, and maintain de facto control over, Choice Holdings, Choice Phone, and Wave Runner.

Petitioner asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), the indirect foreign ownership of Choice Phone in excess of 25 percent is consistent with the public interest.

ISP-PDR-20080909-00018 (e-file)

Puerto Rico Telephone Company, Inc. (PRTC or "Petitioner") requests that the Commission extend its existing declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), to cover the Advanced Wireless Services ("AWS") licenses it won in Auction No. 78. See ULS File No.

0003574136; DA 08-1953 (rel. Aug. 25, 2008). Petitioner states that its earlier ruling authorized the indirect foreign ownership of PRTC, which holds certain common carrier radio licenses. See FCC 07-43 (rel. Mar. 26, 2007). PRTC also has a **pending** declaratory ruling before the Commission in connection with the 700 MHz licenses it won in Auction No. 73. See **ISP-PDR-20080103-00009**. (Please note that on June 13, 2008, DOJ/FBI/DHS (under John Conner's signature) notified the Commission that they have no objection to this petition.)

PRTC is a wholly-owned subsidiary of Telecomunicaciones de Puerto Rico, Inc. (TELPRD), a U.S. corporation organized under the laws of the Commonwealth of Puerto Rico. TELPRI is wholly owned by Tenedora Telpri, S.A. de C.V. (Tenedora), a Mexican corporation. Tenedora in turn is wholly owned and controlled (99.99%) by Radiomóvil Dipsa, S.A. de C.V. (Telcel), also a Mexican company. Telcel is wholly owned and controlled (99.99%) by Sercotel, S.A. de C.V. (Sercotel), which in turn is wholly owned and controlled (99.99%) by América Móvil S.A.B. de C.V. (América Móvil). Both Sercotel and América Móvil are corporations organized under the laws of Mexico. Mr. Carlos Slim Helu and certain members of his immediate family (all of whom are citizens of Mexico) directly and indirectly hold approximately 33 percent equity and 66 percent voting interests in América Móvil.

Petitioner asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), the indirect foreign ownership of PRTC in excess of 25 percent is consistent with the public interest.

For further Information, please contact **Francis Gutierrez** at, (202) 418-7370, **Susan O'Connell** at, (202) 418-1484, or **David Krech** at, (202) 418-7443.

If we do not hear from you by **C.O.B. Oct. 27, 2008**, we will assume that you do not have any concerns with the above listed applications.

Sincerely,



George Li, Deputy Chief, Policy Division

George Li

From: Janeese Parker
Sent: Friday, October 10, 2008 2:56 PM
To: James Ball; Francis Gutierrez; Howard Griboff; George Li; Susan OConnell; David Krech; JoAnn Sutton; Sumita Mukhoty
Subject: FW: Cover Letter Reference 2008-45 (Comments due: October 27, 2008)
Attachments: Executive Branch 2008-45.doc

Janeese Parker
Federal Communications Commission
International Bureau/Policy Division
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Subject: Cover Letter Reference 2008-45 (Comments due: October 27, 2008)

Good Afternoon,

Attached is Cover Letter Reference 2008-45 (Comments due: **October 27, 2008**)

Janeese Parker
Federal Communications Commission
International Bureau/Policy Division
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E-mail: Janeese.Parker@fcc.gov

10/10/2008

Janeese Parker

From: Janeese Parker
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Cc: George Li; David Krech; Susan OConnell; JoAnn Sutton; James Ball; 'alex.daman@dhs.gov'; 'greg.pinto@dhs.gov'; 'douglas.daniels@dhs.gov'; 'TTelecom@usdoj.gov'; 'Thomas.Doyle@associates.dhs.gov'; 'Joanne.Ongman@usdoj.gov'; 'Jennifer.Rockoff@usdoj.gov'; 'letsw@state.gov'; 'Siobhan.Dupuy@usdoj.gov'; 'dklein1@leo.gov'; 'Mary.Wheaton2@usdoj.gov'; 'Richard.Sofield2@usdoj.gov'

Subject: FCC Section 214 Removed from Streamlined

Attachments: DOC-286476A1.pdf

| Tracking: | Recipient | Read |
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ITC-214-20081006-00449
 POP2Call, LLC

ITC-214-20081006-00450
 GlobalITouch

ITC-214-20081007-00451
 Blue Apple Telecom Corporation

ITC-214-20081008-00452

Office des postes et Telecommunications de Polynesie Francaise

10/31/2008

The above referenced applications were placed on Public Notice on **October 17, 2008** for streamlined processing. Since the Public Notice was released, the Commission has been requested by the Executive Branch agencies of the United States that we remove the subject applications from streamlined processing because of foreign ownership issues. Therefore, pursuant to Section 63.12(c)(3) of the Commission's Rules, we have removed these applications from streamlined processing.

Please be advised that your company may not commence operations until the Section 214 authorization is granted. See Section 63.12(d) of the rules, 47 C.F.R. Section 63.12(d). The Executive Branch will contact you or the "Contact" listed on your application directly for further information. You can be assured that your application will be processed expeditiously upon completion of Executive Branch's review. We will notify you by e-mail when your application is granted.

The Public Notice Report No. **TEL-01324S** (released **October 31, 2008**), is attached. If you have any questions, please email: JoAnn.Sutton@fcc.gov, Susan.Oconnell@fcc.gov, David.Krech@fcc.gov, and George.Li@fcc.gov or fax to 202-418-2824.

Thank you.

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