

# **Attachment 1**

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

In the Matter of	)	
	)	
ACT Telecommunications, Inc.	)	
	)	File No. ITC-214-20081201-00519
Application for authorization under Section	)	
214 of the Communications Act of 1934, as	)	
amended	)	
	)	
	)	
	)	

**PETITION TO ADOPT CONDITIONS TO  
AUTHORIZATIONS AND LICENSES**

The Department of Homeland Security (“DHS”) and 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.<sup>1</sup> 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 assurance of ACT Telecommunications, Inc. to abide by the commitments and undertakings set forth in the October 20, 2009 Letter of Assurances (“LOA”), which is attached hereto.

In the above-referenced proceeding, the Applicant petitioned the Commission for authority under Section 214 of the Communications Act of 1934, as amended, to provide international resold and facilities-based services to all international points.

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<sup>1</sup> 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 the Applicant in connection with the above-referenced proceeding, the Agencies have concluded that the additional commitments set forth in the LOA 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 to the Commission granting the application in the above-referenced proceeding, provided that the Commission conditions its consent on compliance by ACT Telecommunications, Inc. with the LOA.

Respectfully submitted,

/S/ Greg Pinto  
Greg Pinto  
Director - RCO  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, N.W.  
Washington, DC 20528

/S/ Richard C. Sofield  
Richard C. Sofield  
U.S. Department of Justice  
Director - Foreign Investment Review Staff  
National Security Division  
950 Penn. Avenue, N.W.  
Washington, D.C. 20530

October 27, 2009



TeleDome Building, Suite 201, Old Parham Road, P.O. Box 3090, St. John's, Antigua & Barbuda  
Tel: (268) 480-2367 Fax: (268) 480-5232

October 20th, 2009

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

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

Re: Pending application by ACT Telecommunications, Inc. for authorization under  
Section 214 of the Communications Act of 1934, as amended,  
ITC-214-20081201-00519

Dear Sirs:

This letter outlines the commitments made by ACT Telecommunications, Inc. ("ACT" or "the Company") 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 ACT's application to the Federal Communications Commission ("FCC") for authority to provide international resold and facilities-based services to all international points under Section 214 of the Communications Act of 1934, as amended. ACT intends to provide Voice over IP (VoIP) and calling card services to residential customers.

ACT agrees that it will establish and maintain one or more points of contact within the United States with the authority and responsibility for accepting and overseeing compliance with judicial orders authorizing U.S. law enforcement to conduct electronic surveillance under 18 U.S.C. § 2510 et seq., and Pen Register and Trap and Trace devices under 18 U.S.C. § 3121 et seq., as well as subpoenas or other lawful demands by U.S. law enforcement authorities for the content of communications or U.S. Records (as defined below). The Company will notify DOJ and DHS in writing of the name, citizenship, and contact information for its point(s) of contact within ten days of this letter and will keep such information current by notifying DOJ and DHS in writing of any change to such information within ten days of such change. The point(s) of contact shall



be a resident U.S. citizen, and ACT shall cooperate with any request by a U.S. government authority that a background check or security clearance process be completed for a designated point of contact.

ACT further agrees that the designated point(s) of contact will have access to, and will make available promptly, and in any event no later than five business days, in the United States in response to lawful U.S. process, all ACT 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"). 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. ACT also agrees to ensure that U.S. Records are not made subject to mandatory destruction under any foreign laws.

ACT agrees to submit a certification to DOJ and DHS each year on the anniversary of the date of this letter reaffirming the commitments in this letter, describing any violations of such commitments, and describing its technical capabilities for complying with the Communications Assistance for Law Enforcement Act ("CALEA"), 47 U.S.C. § 1001 et seq. ACT further agrees that it will promptly notify DOJ and DHS, at the addresses listed above, before it seeks to commence the sale (or resale) of any type of communications services not described in this letter, or if there are any other material changes in any of the facts as represented in this letter.

ACT agrees that, in the event the commitments set forth in this letter are breached, in addition to any other remedy available at law or equity, DOJ or 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 the Company.

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Nothing in this letter is intended to excuse the Company or its subsidiaries from any obligation it may have to comply with U.S. legal requirements for the retention, preservation, or production of information, records or data, or from any applicable requirements of CALEA, 47 U.S.C. § 1001 et seq., nor shall it constitute a waiver of (a) any obligation imposed by any U.S. Federal, state or local laws on the Company or its subsidiaries, (b) any enforcement authority available under any U.S. or state laws, (c) the sovereign immunity of the United States, or (d) any authority the U.S. government may possess (including without limitation authority pursuant to International Emergency Economic Powers Act) over the activities of the Company or its subsidiaries located within or outside the United States. ACT acknowledges that it must also comply with 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). Nothing in this letter is intended to or is to be interpreted to require the parties to violate any applicable U.S. law. Likewise, nothing in this letter limits the right of the United States Government to pursue criminal sanctions or charges against the

Company or its subsidiaries, and nothing in this letter provides the Company or its subsidiaries with any relief from civil liability.

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

Sincerely,  
ACT TELECOMMUNICATIONS, INC.

By:



Name: Salomon Doumith  
Title: Director

# **Attachment 2**





# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 12th STREET S.W.  
WASHINGTON D.C. 20554

News media information 202-418-0500  
Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)  
TTY (202) 418-2555

DA No. 09-2331

Report No. TEL-01393

Thursday October 29, 2009

## INTERNATIONAL AUTHORIZATIONS GRANTED

### Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) Requests

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the 25 percent foreign ownership benchmark applicable to common carrier radio licenses under 47 U.S.C. § 310(b)(4).

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see Section 1.4(b)(2)).

An updated version of Sections 63.09--25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>.

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

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ITC-214-20081201-00519	E	ACT Telecommunications, Inc	
International Telecommunications Certificate			
Service(s):	Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service		
Grant of Authority			Date of Action: 10/27/2009

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

We grant the petition to adopt conditions to Authorization and Licenses (Petition) filed in this proceeding on October 27, 2009 by the Department of Homeland Security (DHS) and the Department of Justice (DoJ) (collectively, the Agencies). Accordingly, we condition grant of this application on ACT Telecommunications, Inc. abiding by the commitments and undertakings set forth in the October 20, 2009 Letter of Assurances (LOA). A copy of the Petition and the LOA are publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for ITC-214-20081201-00159 and accessing "Other Filings related to this application" from the Document Viewing area.



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**ITC-214-20090116-00019** E Bras Am Alliance, LLC  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 10/22/2009

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

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**ITC-214-20090713-00325** E Lleida.Net USA, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 10/27/2009

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

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**ITC-214-20090908-00411** E Dial World Communications, LLC  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Resale Service  
Grant of Authority Date of Action: 10/23/2009

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

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**ITC-214-20090924-00426** E Econnect Networks, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Resale Service  
Grant of Authority Date of Action: 10/23/2009

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

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**ITC-214-20090925-00427** E Alianza Global Communications Services  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 10/23/2009

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

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**ITC-214-20090929-00428** E Computer Telephony Innovations, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Resale Service  
Grant of Authority Date of Action: 10/23/2009

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

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**ITC-214-20091002-00436** E Data @ccess Communication, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Resale Service  
Grant of Authority Date of Action: 10/23/2009

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

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**ITC-214-20091007-00437** E Avantel Communications, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Resale Service  
Grant of Authority Date of Action: 10/23/2009

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

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**ITC-ASG-20090717-00335** E American Broadband Acquisition Corp.  
Assignment  
Grant of Authority Date of Action: 10/28/2009

**Current Licensee:** Eastern Kansas Holdings, Inc.  
**FROM:** Eastern Kansas Holdings, Inc.  
**TO:** American Broadband Acquisition Corp.

Notification filed July 17, 2009, of the pro forma assignment of international section 214 authorization, ITC-214-20000310-00140, held by Eastern Kansas Holdings, Inc. (Eastern) to American Broadband Acquisition Corp. (ABAC), effective December 31, 2008. Pursuant to an internal reorganization, Eastern was merged into ABAC, its direct 100% parent, with ABAC being the surviving entity.

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**ITC-ASG-20091016-00445** E Knology of Florida, LLC  
Assignment  
Grant of Authority Date of Action: 10/28/2009

**Current Licensee:** Knology of Florida, Inc.  
**FROM:** Knology of Florida, Inc.  
**TO:** Knology of Florida, LLC

Notification filed October 16, 2009 of the pro forma assignment of international section 214 authorization, ITC-214-19980527-00350, from Knology of Florida, Inc. to Knology of Florida, LLC, effective September 18, 2009. Knology converted from a corporation to a limited liability company with no change in ownership.

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**ITC-ASG-20091026-00460** E SkyPort Global Communications, Inc.  
Assignment  
Grant of Authority Date of Action: 10/28/2009

**Current Licensee:** SkyPort Global Communications, Inc., Debtor-in-Possession  
**FROM:** SkyPort Global Communications, Inc., Debtor-in-Possession  
**TO:** SkyPort Global Communications, Inc.

Notification filed October 26, 2009 of the pro forma assignment of international section 214 authorization, ITC-214-19990211-00083, from SkyPort Global Communications, Inc. Debtor-In-Possession (SkyPort Global DIP), to SkyPort Global Communications, Inc. (SkyPort Global), effective October 14, 2009. Pursuant to the terms of a Chapter 11 Plan of Reorganization approved by a written order dated August 12, 2009 from the United States Bankruptcy Court for the Southern District of Texas, Houston Division (Case No. 08-36737-H4) Skyport Global emerged from bankruptcy. Prior to bankruptcy and after emerging from bankruptcy Robert Kubernus has ultimate control of Skyport Global.

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**ITC-T/C-20090717-00334** E Waverly Hall Communications, Inc.  
Transfer of Control  
Grant of Authority Date of Action: 10/28/2009

**Current Licensee:** Waverly Hall Communications, Inc.  
**FROM:** Waverly Hall Holdings, Inc.  
**TO:** American Broadband Acquisition Corp.

Notification filed July 17, 2009, of the pro forma transfer of control of international section 214 authorization, ITC-214-20070328-00125, held by Waverly Hall Communications, Inc. (WHCI), from Waverly Hall Holdings, Inc. (WHHI) to American Broadband Acquisition Corp. (ABAC), effective December 31, 2008. Pursuant to a corporate restructuring, WHHI, the 100% direct parent of WHCI, was merged into ABAC, the 100% direct parent of WHHI, with ABAC being the surviving entity. As result, WHCI is now a direct, wholly-owned subsidiary of ABAC.

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**ITC-T/C-20090717-00338** E Gridley Communications, Inc.  
Transfer of Control  
Grant of Authority Date of Action: 10/28/2009

**Current Licensee:** Gridley Communications, Inc.  
**FROM:** Gridley Enterprises, Inc.  
**TO:** Mail Holdings, Inc.

Notification filed July 17, 2009, of the pro forma transfer of control of international section 214 authorization, ITC-214-19960315-00004, held by Gridley Communications, Inc. (Gridley), from Gridley Enterprises, Inc. (GEI) to Mail Holdings, Inc. (MHI), effective January 12, 2009. Pursuant to a corporate restructuring, GEI, the 100% direct parent of Gridley, was merged into MHI, the 100% direct parent of GEI, with MHI being the surviving entity. As a result, Gridley is now a direct, wholly-owned subsidiary of MHI.

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ITC-T/C-20090826-00396 E

DeltaCom, Inc.

Transfer of Control  
Grant of Authority

Date of Action: 10/23/2009

**Current Licensee:** DeltaCom, Inc.

**FROM:** Welsh, Carson, Anderson & Stowe VIII, L.P. et al

**TO:** ITC^DeltaCom, Inc.

Application for consent to the transfer of de jure control of international section 214 authorization, ITC-214-19940705-00204 (Old File No. ITC-94-385), held by DeltaCom, Inc. (DeltaCom), from Welsh, Carson, Anderson & Stowe VIII, L.P. et al. (WCAS Group) to ITC^DeltaCom, Inc. (ITCD). DeltaCom is an indirect, wholly-owned subsidiary of ITCD. The WCAS Group currently holds a majority voting interest in ITCD (approximately 50.4%). In November 2009, shares issued to certain ITCD employees are scheduled to vest under ITCD stock incentive plans which will decrease the WCAS Group's voting interest in ITCD to approximately 49.8%.

The WCAS Group is comprised of the following entities, which are not commonly owned, but ultimately are managed and controlled by the same group of individuals: (a) Welsh, Carson, Anderson & Stowe VIII, L.P. and its general partner, WCAS VIII Associates, L.L.C., and (b) WCAS Capitals Partners III, L.P. and its sole general partner, WCAS CP III Associates L.L.C. The WCAS Group will have an approximately 49.8% voting interest in ITCD. Tennenbaum Capital Partners LLC will have an approximately 15.5% voting interest in ITCD through its power to vote and dispose of the common stock of ITCD held by (a) Special Value Absolute Return Fund, LLC, (b) Special Value Continuation Partners, LP, and (c) Tennenbaum Opportunities Partners V, L.P. No other entity or individual will hold a 10 percent or greater direct or indirect voting or equity interest in ITCD.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

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ITC-T/C-20090826-00397 E

Business Telecom, Inc.

Transfer of Control  
Grant of Authority

Date of Action: 10/23/2009

**Current Licensee:** Business Telecom, Inc.

**FROM:** Welsh, Carson, Anderson & Stowe VIII, L.P. et al

**TO:** ITC^DeltaCom, Inc.

Application for consent to the transfer of de jure control of international section 214 authorizations, ITC-214-19950630-00042 (Old File No. ITC-95-404), ITC-214-19950515-00043 (Old File No. ITC-95-402), and ITC-214-19880422-00005 (Old File No. ITC-88-120), held by Business Telecom, Inc. (BTI), from Welsh, Carson, Anderson & Stowe VIII, L.P. et al. (WCAS Group) to ITC^DeltaCom, Inc. (ITCD). BTI is a wholly-owned subsidiary of ITCD. The WCAS Group currently holds a majority voting interest in ITCD (approximately 50.4%). In November 2009, shares issued to certain ITCD employees are scheduled to vest under ITCD stock incentive plans which will decrease the WCAS Group's voting interest in ITCD to approximately 49.8%.

The WCAS Group is comprised of the following entities, which are not commonly owned, but ultimately are managed and controlled by the same group of individuals: (a) Welsh, Carson, Anderson & Stowe VIII, L.P. and its general partner, WCAS VIII Associates, L.L.C., and (b) WCAS Capitals Partners III, L.P. and its sole general partner, WCAS CP III Associates L.L.C. The WCAS Group will have an approximately 49.8% voting interest in ITCD. Tennenbaum Capital Partners LLC will have an approximately 15.5% voting interest in ITCD through its power to vote and dispose of the common stock of ITCD held by (a) Special Value Absolute Return Fund, LLC, (b) Special Value Continuation Partners, LP, and (c) Tennenbaum Opportunities Partners V, L.P. No other entity or individual will hold a 10 percent or greater direct or indirect voting or equity interest in ITCD.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

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ITC-T/C-20090826-00398 E

Interstate FiberNet, Inc.

Transfer of Control  
Grant of Authority

Date of Action: 10/23/2009

**Current Licensee:** Interstate FiberNet, Inc.

**FROM:** Welsh, Carson, Anderson & Stowe VIII, L.P. et al

**TO:** ITC^DeltaCom, Inc.

Application for consent to the transfer of de jure control of international section 214 authorizations, ITC-214-19930727-00132 (Old File No. ITC-93-279), held by Interstate FiberNet, Inc. (FNI), from Welsh, Carson, Anderson & Stowe VIII, L.P. et al. (WCAS Group) to ITC^DeltaCom, Inc. (ITCD). FNI is a wholly-owned subsidiary of ITCD. The WCAS Group currently holds a majority voting interest in ITCD (approximately 50.4%). In November 2009, shares issued to certain ITCD employees are scheduled to vest under ITCD stock incentive plans which will decrease the WCAS Group's voting interest in ITCD to approximately 49.8%.

The WCAS Group is comprised of the following entities, which are not commonly owned, but ultimately are managed and controlled by the same group of individuals: (a) Welsh, Carson, Anderson & Stowe VIII, L.P. and its general partner, WCAS VIII Associates, L.L.C., and (b) WCAS Capitals Partners III, L.P. and its sole general partner, WCAS CP III Associates L.L.C. The WCAS Group will have an approximately 49.8% voting interest in ITCD. Tennenbaum Capital Partners LLC will have an approximately 15.5% voting interest in ITCD through its power to vote and dispose of the common stock of ITCD held by (a) Special Value Absolute Return Fund, LLC, (b) Special Value Continuation Partners, LP, and (c) Tennenbaum Opportunities Partners V, L.P. No other entity or individual will hold a 10 percent or greater direct or indirect voting or equity interest in ITCD.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

ITC-T/C-20090922-00419 E

Lexcom Long Distance LLC

Transfer of Control  
Grant of Authority

Date of Action: 10/23/2009

**Current Licensee:** Lexcom Long Distance, LLC

**FROM:** Lexcom, Inc.

**TO:** Windstream Corporation

Application for consent to the transfer of control of international section 214 authorization, ITC-214-19930302-00003, held by Lexcom Long Distance LLC (Lexcom LD) from its parent, Lexcom, Inc. (Lexcom), to Windstream Corporation (Windstream). Pursuant to the terms of a Share Exchange Agreement, executed between Lexcom and Windstream on September 8, 2009, Windstream will acquire all of the shares of Lexcom. Lexcom will become a direct subsidiary, and Lexcom LD will become an indirect subsidiary, of Windstream. Windstream is a publicly traded corporation in which no individual or entity holds a direct or indirect 10 percent or greater equity or voting interest.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

**Dismissal**

**ISP-PDR-20060522-00007**

THRANE & THRANE AIRTIME LTD.

By letter filed October 13, 2009, Applicant withdrew its above-referenced application effective October 15, 2009.

**ITC-214-20060413-00241**

THRANE & THRANE AIRTIME LTD.

By letter filed October 13, 2009, Applicant withdrew its above-referenced application effective October 15, 2009.

**ITC-AMD-20060526-00294**

THRANE & THRANE AIRTIME LTD.

By letter filed October 13, 2009, Applicant withdrew its above-referenced application effective October 15, 2009.

**INFORMATIVE**

**ITC-214-20080725-00346**

Opextel, LLC

By letter dated October 22, 2009, Opextel, LLC notified the Commission that it will provide service under the name ALODIGA.

**ITC-214-20080910-00421**

Mox Telecom AG

By letter dated October 14, 2009 Mox Telecom AG notified the Commission that its wholly owned subsidiary, Mox Telecom America Corp., will provide service under the assumed names of Liberty Prepaid and CasaTalk, pursuant to Section 63.21(h) of the Commission's rules, 47 CFR 63.21(h).

## CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

- (1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is attached to this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>. It also will be attached to each Public Notice that grants international Section 214 authority.
- (2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.
- (3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.
- (4) Carriers shall comply with the Commission's International Settlements Policy and associated filing requirements contained in Sections 43.51, 64.1001 and 64.1002 of the Commission's Rules, 47 C.F.R. §§ 43.51, 64.1001, 64.1002. The Commission modified these requirements most recently in International Settlements Policy Reform: International Settlement Rates, First Report and Order, FCC 04-53, 19 FCC Rcd 5709 (2004). In addition, any carrier interconnecting private lines to the U.S. public switched network at its switch, including any switch in which the carrier obtains capacity either through lease or otherwise, shall file annually with the Chief, International Bureau, a certified statement containing, on a country-specific basis, the number and type (e.g., 64 kbps circuits) of private lines interconnected in such manner. The Commission will treat the country of origin information as confidential. Carriers need not file their contracts for interconnection unless the Commission specifically requests. Carriers shall file their annual report on February 1 (covering international private lines interconnected during the preceding January 1 to December 31 period) of each year. International private lines to countries which the Commission has exempted from the International Settlements Policy at any time during a particular reporting period are exempt from this requirement. See 47 C.F.R. § 43.51(d). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at [http://www.fcc.gov/ib/pd/pf/isp\\_exempt.html](http://www.fcc.gov/ib/pd/pf/isp_exempt.html).
- (5) Carriers authorized to provide private line service either on a facilities or resale basis are limited to the provision of such private line service only between the United States and those foreign points covered by their referenced applications for Section 214 authority. A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 C.F.R. § 63.23(d).
- (6) A carrier may engage in "switched hubbing" to countries that do not appear on the Commission's list of U.S. international routes that are exempt from the International Settlements Policy, set forth in Section 64.1002, 47 C.F.R. § 64.1002, provided the carrier complies with the requirements of Section 63.17(b) of the rules, 47 C.F.R. § 63.17(b). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at [http://www.fcc.gov/ib/pd/pf/isp\\_exempt.html](http://www.fcc.gov/ib/pd/pf/isp_exempt.html).
- (7) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.
- (8) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.
- (9) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a). Carriers shall also file the quarterly reports required by Section 43.61 in the circumstances specified in paragraphs (b) and (c) of



that Section.

(10) Carriers shall file annual reports of circuit status and/or circuit additions in accordance with the requirements set forth in Rules for Filing of International Circuit Status Reports, CC Docket No. 93-157, Report and Order, 10 FCC Rcd 8605 (1995). See 47 C.F.R. § 43.82. See also §§ 63.22(e), 63.23(e). These requirements apply to facilities-based carriers and private line resellers, respectively. See also <http://www.fcc.gov/ib/pd/pf/csmanual.html>.

(11) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. Further, the grant of these applications shall not be construed to include authorization for the transmission of money in connection with the services the applicants have been given authority to provide. The transmission of money is not considered to be a common carrier service.

(12) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(13) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.

(14) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

#### Exclusion List for International Section 214 Authorizations

-- Last Modified December 22, 1999 --

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). In addition, the facilities listed shall not be used by U.S. carriers authorized under Section 63.18 of the Commission's Rules unless the carrier's Section 214 authorization specifically lists the facility. Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See generally 47 C.F.R. § 63.22.

#### Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice Report No. I-6831, dated July 27, 1993, "FCC to Accept Applications for Service to Cuba.")

#### Facilities:

All non-U.S.-licensed satellite systems that are not on the Permitted Space Station List, maintained at <http://www.fcc.gov/ib/sd/se/permitted.html>. See International Bureau Public Notice, DA 99-2844 (rel. Dec. 17, 1999).

This list is subject to change by the Commission when the public interest requires. Before amending the list, the Commission will first issue a public notice giving affected parties the opportunity for comment and hearing on the proposed changes. The Commission may then release an order amending the exclusion list. This list also is subject to change upon issuance of an Executive Order. See Streamlining the Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, FCC 96-79, 11 FCC Rcd 12,884, released March 13, 1996 (61 Fed. Reg. 15,724, April 9, 1996). A current version of this list is maintained at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>.

For additional information, contact the International Bureau's Policy Division, (202) 418-1460.