

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

In the Matter of )  
 )  
CM Tel (USA) ) File No. ITC-T/C-20080913-00428

In the Matter of )  
 ) File No. ITC-214-20090105-00006  
Pacific Networks Corp. )

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

The Department of Justice (“DOJ”) and the Department of Homeland Security (“DHS”) (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 proceedings, provided that the Commission conditions its approval on the agreement of Pacific Networks Corp. (“Pacific Networks”) and CM Tel (USA) (“CM Tel”) to abide by the commitments and undertakings set forth in their March 3, 2009 letter to Mr. Stephen R. Heifetz, Deputy Assistant Secretary for Policy Development, U.S. Department of Homeland Security, and Mr. David S. Kris, Assistant Attorney General, National Security Division, U.S. Department of Justice (the “Letter”), which is attached hereto.

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<sup>1</sup> 47 C.F.R. § 1.41.

Pacific Networks, in File No. ITC-214-20090105-00006, seeks Commission authorization to provide international resold services to all international points under Section 214 of the Communications Act of 1934, as amended. CM Tel, in File No. ITC-T/C-20080913-00428, seeks Commission consent to transfer control of international section 214 authorization, ITC-214-19990927-00607, held by CM Tel, from China Motion Telecom International Limited to Pacific Network.

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 Pacific Networks and CM Tel in connection with the above-referenced proceedings, the Agencies have concluded that the additional commitments set forth in the Letter 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 on those grounds to the Commission granting the

above-referenced requests, provided that the Commission conditions its authorizations on compliance by the Companies with the commitments set forth in the Letter.

The Agencies are authorized to state that Pacific Networks and CM Tel do not object to the grant of this Petition.

Respectfully submitted,

/s/ Richard C. Sofield  
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/s/ Stephen R. Heifetz  
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March 30, 2009