



PUBLIC NOTICE

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DA 16-1077
September 22, 2016

Final Notice of Intent to Declare the International Section 214 Authorization of IP To Go, LLC Terminated

File No. ITC-214-20090508-00208

By this Public Notice, the International Bureau (Bureau) affords IP To Go, LLC (IPTG) final notice and opportunity to respond to the April 11, 2016 letter submitted by the Department of Justice (DOJ) requesting that the FCC terminate, declare null and void and no longer in effect, and/or revoke¹ the international section 214 authorization issued to IPTG under file number **ITC-214-20090508-00208**.²

In the *DOJ April 11, 2016 Letter*, DOJ states that it believes IPTG is dissolved and claims that IPTG is therefore unable to comply with the conditions of its international section 214 authorization.³ The Commission conditioned the grant of authority on IPTG abiding by the commitments and undertakings set forth in the November 21, 2011 Agreement from the president of IPTG to DHS.⁴ On July 5, 2016, the Bureau's Telecommunications and Analysis Division sent a letter to IPTG at the last known addresses on record via certified, return receipt mail, asking IPTG to respond to DOJ's allegations by August 3, 2016.⁵ The *Bureau July 2016 Letter* stated that failure to respond would result in the issuance of an order to terminate IPTG's international section 214 authorization.⁶ IPTG did not respond to the request.

In addition, IPTG may also be in violation of several other Commission rules and requirements. After having received an international section 214 authorization, pursuant to section 63.21(a), a carrier "is responsible for the continuing accuracy of the certifications made in its application" and must correct

¹ Letter from Richard Sofield, Director, Foreign Investment Review Staff, National Security Division, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC, IB File No. ITC-214-20090508-00208 (Apr. 11, 2016) (*DOJ April 11, 2016 Letter*).

² *International Authorizations Granted, Section 214 Applications (47 CFR § 63.18); Section 310(b)(4) Requests*, Report No. Tel-01536, Public Notice, 26 FCC Rcd 17031, 17031 (IB 2011) (*IPTG 2011 International Authorization*).

³ *DOJ April 11, 2016 Letter* at 1.

⁴ *IPTG 2011 International Authorization*, 26 FCC Rcd at 17031; Letter from Ricardo Mandini, IP To Go, LLC to Assistant Attorney General, National Security Division, U.S. Department of Justice (Nov. 21, 2011).

⁵ Letter from Denise Coca, Division Chief, Telecommunications and Analysis Division, International Bureau, FCC to Ricardo V. Mandini, IP To Go, LLC at 1 (July 5, 2016) (*Bureau July 2016 Letter*). A copy of the *IB Telecom. Division July 2016 Letter* and the *Executive Branch April 11, 2016 Letter* may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for File No. ITC-214-20090508-00208 and accessing the "other filings related to this application" from the Document Viewing area.

⁶ *Id.* at 2.

information no longer accurate “as promptly as possible and, in any event, within thirty (30) days.”⁷ There is no indication that IPTG is currently providing service pursuant to its international section 214 authorization. If IPTG has discontinued service that affected customers, it may also be in violation of section 63.19(a) of the Commission’s rules requiring prior notification for such a discontinuance.⁸ As part of its authorization, IPTG must file annual international telecommunications traffic and revenue as required by section 43.62 of the Commission rules. Section 43.62(b) states 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 telecommunications services during the preceding calendar year.”⁹ Our records indicate that IPTG failed to file an annual international telecommunications traffic and revenue report indicating whether or not IPTG provided services in 2014 and 2015 and may be in violation of section 43.62 of the Commission rules.¹⁰ Furthermore, IPTG has an outstanding debt and consequently its account is red lighted through the Red Light Display System.¹¹ IPTG must visit the Commission’s Red Light Display System’s to pay its outstanding debt.¹²

IPTG’s failure to respond to this Public Notice will be deemed as an admission of the facts alleged by DOJ and of the violation of the statutory and rule provisions set out above. The Bureau hereby provides final notice to IPTG that it intends to take action to declare IPTG’s international 214 authorization terminated for failure to comply with conditions of its authorization. We further advise IPTG that its non-compliance with the applicable regulatory provisions would warrant termination wholly apart from demonstrating IPTG’s inability to satisfy the conditions of its authorization. **IPTG must respond to this Public Notice and the issues alleged in the DOJ April 11, 2016 Letter, no later than 15 days after publication in the Federal Register.**

The Bureau is serving a copy of the Public Notice on IPTG by certified mail, return receipt requested at the last addresses of record appearing in Commission records. IPTG should send its response to Denise Coca, Chief, Telecommunications and Analysis Division, International Bureau via email at Denise.Coca@fcc.gov and to Veronica Garcia-Ulloa, Attorney Advisor, Telecommunications and

⁷ 47 CFR § 63.21(a).

⁸ 47 CFR § 63.19(a); *see* 47 CFR § 63.19(b).

⁹ 47 CFR § 43.62(b) (emphasis added). In 2013, the Commission adopted section 43.62(b) of its rules, which went into effect on February 11, 2015. *Reporting Requirements for U.S. Providers of International Telecommunications Services; Amendment of Part 43 of the Commission’s Rules*, IB Docket No. 04-112, Second Report and Order, 28 FCC Rcd 575 (2013); *Reporting Requirements for U.S. Providers of International Telecommunications Services*, 80 Fed. Reg. 7547 (Feb. 11, 2015).

¹⁰ All carriers were required to file their section 43.62 traffic and revenue reports for data as of December 31, 2014 by July 31, 2015 and for data as of December 31, 2015 by July 31, 2016. 47 CFR § 43.62(b).

¹¹ If a company has outstanding debt their application on the FCC’s Red Light Display System will show a red light status and lists all delinquent items. A red light status prevents the company from receiving any benefits from the FCC, until the debt is resolved. When there are no debts the Red Light Display System will show a green light status and enable the company to receive FCC benefits. *Red Light Display System*, <http://www.fcc.gov/redlight> (last visited Aug. 31, 2016). Access to this system requires your FCC Registration Number (FRN), and an established password. The Red Light Display System help line is 1-877-480-3201, Option 4.

¹² IPTG’s outstanding debt involves regulatory fees. In addition to financial penalties, section 159(c)(3) of the Communications Act and section 1.1164(f) of the Commission’s rules grant the Commission the authority to revoke authorizations for failure to timely pay regulatory fees. *See* 47 U.S.C. § 159(c)(3); 47 CFR § 1.1164(f); *see also LDC Telecommunications, Inc.*, File No.: ITC-214-20080523-00238; FRN: 0003757390, Order to Pay or to Show Cause, DA 16-743 (EB July 1, 2016) (initiating a revocation proceeding under section 159(c)(3) for unpaid regulatory fees).

Analysis Division, International Bureau at Veronica.Garcia-Ulloa@fcc.gov and file it in IBFS under File No. **ITC-214-20090508-00208**.¹³

The proceeding in this Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s ex parte rules.¹⁴ Persons making ex parte presentations must file in IBFS under File No. **ITC-214-20090508-00208**, 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 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).¹⁵ Participants in this proceeding should familiarize themselves with the Commission’s ex parte rules.

For further information, please contact Veronica Garcia-Ulloa, Attorney Advisor, Telecommunications and Analysis Division, International Bureau, (202) 418-0481.

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¹³ Federal Communications Commission, *IBFS*, <http://licensing.fcc.gov/myibfs/pleading.do> (last visited Aug. 31, 2016).

¹⁴ 47 CFR § 1.1200 *et seq.*

¹⁵ 47 CFR § 1.1206(b).