



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. 10-2281

Report No. TEL-01469

Thursday December 2, 2010

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 licensees 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.

Petition for Declaratory Ruling

Grant of Authority

Date of Action: 12/01/2010

Pacific Telecom Inc. (PTI or "Petitioner") requests that the Commission revise PTI's existing declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), to permit Sumitomo Corporation (Sumitomo) to hold up to a 40% non-controlling indirect interest in Petitioner's wholly-owned indirect subsidiary, PTI Pacifica Inc. (Pacifica), a common carrier wireless licensee. Petitioner states that the Commission authorized indirect foreign ownership of Pacifica (then named GTE Pacifica, Inc.) of up to 100% by Prospector Investments Ltd. (Prospector), an entity organized under the laws of the Cayman Islands, a World Trade Organization (WTO) Member country, and authorized Pacifica to accept up to and including an additional, aggregate 25% indirect equity and/or voting interest from other foreign investors without prior Commission approval. See Bell Atlantic New Zealand et al. Application for Consent to Transfer Control and Petition for Ruling Pursuant to Section 310(b)(4) of the Communications Act, IB Docket No. 03-115, DA 03-3563, 18 FCC Rcd 23140 (IB/WCB/WTB 2003) ("PTI Transfer Order"). Thereafter, PTI accepted a 25% investment from Sumitomo, an entity organized under the laws of Japan, a WTO Member country: a 20% direct interest from Sumitomo and a 5% indirect interest through its wholly-owned subsidiary, Sumitomo Corporation of America (SCA), an entity organized in the United States. Petitioner states that Prospector and Sumitomo are now negotiating an increase in Sumitomo's ownership in PTI beyond the current 25% interest up to and including an additional non-controlling 15%.

Pacifica is a wholly-owned subsidiary of The Micronesian Telecommunications Corporation (MTC), which is a wholly-owned subsidiary of PTI, all U.S. entities organized under the laws of the Commonwealth of the Northern Mariana Islands, a self-governing commonwealth in political union with and under the sovereignty of the United States. Prospector currently holds a 75% equity and voting interest in PTI. The equity and voting interests of Prospector are held 60% by Ricardo C. Delgado and 40% by his son, Jose Ricardo Delgado, both citizens of the Philippines, a WTO Member country. Sumitomo currently holds a 25% equity and voting interest in PTI via 20% direct and 5% indirect ownership.

Sumitomo is a publicly traded, widely held company listed on the Tokyo and other Stock Exchanges in Japan. Information submitted by Petitioner demonstrates that Sumitomo and SCA principally conduct business in Japan or, in the case of SCA, in the United States. Sumitomo has approximately 130,113 shareholders, the top 100 of whom collectively hold 66.71% of the shares. No single shareholder of Sumitomo holds a 10% or greater interest. Its largest shareholder, holding 6.43% of the shares, is The Master Trust Bank of Japan, a Japanese company which administers pension assets and the like and serves as nominal holder of the Sumitomo shares. The Master Trust Bank of Japan was formed through investments from four Japanese corporations: Mitsubishi UFJ Trust & Banking Corporation, Nippon Life Insurance Company, Meiji Yasuda Life Insurance Company and the Norinchukin Trust & Banking Co., Ltd. The next largest shareholders are, with one exception, Japanese-organized entities: Japan Trustee Services Bank, Ltd., with 6.35%; Liberty Programming Japan, Inc. (a Delaware corporation, doing business in and attributed to Japan for the purposes of this petition), with 3.65%; Mitsui Sumitomo Insurance Co., Ltd., with 2.66%; Sumitomo Life Insurance Co., with 2.47%; Japan Trust Services Bank, Ltd., with 2.36%; Sumitomo Metal Industries, Ltd., with 1.54%; Japan Trustee Services Bank, Ltd., with 1.45%; Nippon Life Insurance Co., with 1.32%; and, The Dai-Ichi Mutual Life Insurance Co., with 1.27%.

Sumitomo estimates 64.01% of its shares are held by Japanese entities: 39.59% by Japanese financial institutions, 1.62% by Japanese securities firms, 9.61% by other Japanese corporations and 13.15% by or on behalf of Japanese individuals (0.04% is treasury stock). Sumitomo estimates that 35.99% of its shares are held by non-Japanese entities of which 24.22% is held by U.S. banks, insurance companies, pension plans and foundations/endowments and 11.77% by non-U.S., non-Japanese financial firms, all of which are from WTO Member countries (4.02% United Kingdom; 2.23% Saudi Arabia; 1.67% Australia; 0.89% Belgium; 0.49% Singapore and 0.34% Switzerland).

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), we find that the public interest would be served by granting the Petitioner's request. Accordingly, we revise the declaratory ruling to allow up to a 40% non-controlling indirect equity and voting interest in Pacifica by Sumitomo and SCA, individually or collectively.

In accordance with the Petitioner's request, we condition grant of this declaratory ruling on PTI's continued compliance with the terms of the Agreement between MTC and PTI and the U.S. Department of Justice, Federal Bureau of Investigation, U.S. Department of Defense, and U.S. Department of Homeland Security dated October 6, 2003, pursuant to Section 7.2 of that Agreement. That Agreement is contained in Appendix B of the PTI Transfer Order, 18 FCC Rcd at 23166.

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Grant of Authority

Date of Action: 11/18/2010

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 License filed in the proceeding on November 18, 2010, by the Department of Justice ("DOJ") and the Department of Homeland Security ("DHS"). Accordingly, we condition grant of this application on the commitments and undertakings set forth in the Letter of Assurance ("LOA") from Ruslan Demchenko, President and CEO of Alrus Telecom, Inc., to David Heyman, Assistant Secretary for Policy, DHS, and David Kris, Assistant Attorney General, National Security Division, DOJ. The Petition and the LOA may be viewed on the FCC's website through the International Bureau Filing System (IBFS) by searching for ITC-214-20091201-00520 and accessing "Other Filings related to this application" from the Document Viewing Area.

ITC-214-20100329-00136 E Forum Telecom, Inc.
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 11/18/2010

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).

ITC-214-20100712-00275 E SHINY VOICE INC
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 11/24/2010

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).

ITC-214-20101102-00429 E Altiva Operations and Resources Group, L.L.C.
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action: 11/26/2010

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).

ITC-214-20101103-00432 E Central Louisiana License Co., LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 11/26/2010

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).

ITC-214-20101104-00435 E Branded Worldwide Telecom, 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: 11/26/2010

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).

ITC-214-20101105-00440 E Card Limited Corporation
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action: 11/26/2010

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).

ITC-214-20101108-00438 E Red Rock Communications, LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 11/26/2010

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).

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.

(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.

(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

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 47 C.F.R. § 63.22(c).

Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice, DA 10-112, dated January 21, 2010, "Modification of Process to Accept Applications for Service to Cuba and Related Matters.")

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.