



1776 K STREET NW
WASHINGTON, DC 20006
PHONE 202.719.7000
FAX 202.719.7049

7925 JONES BRANCH DRIVE
McLEAN, VA 22102
PHONE 703.905.2800
FAX 703.905.2820

www.wileyrein.com

February 27, 2015

Jennifer D. Hindin
202.719.4975
jhindin@wileyrein.com

VIA ELECTRONIC FILING

Mindel De La Torre
Chief, International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Service Agreement Between IDT Telecom, Inc. and Empresa de
Telecomunicaciones de Cuba, S.A.;
IB Docket No. 10-95; ITC-214-20100804-00318

Dear Ms. De La Torre:

TelePuede LLC, by its counsel, writes in relation to the service agreement between IDT Telecom, Inc. ("IDT") and Empresa de Telecomunicaciones de Cuba, S.A. ("ETECSA") filed in the above-captioned dockets. TelePuede is pleased that ETECSA has entered into the first of what TelePuede hopes will be multiple new commercial agreements with U.S. carriers to expand the availability, affordability, and quality of advanced communications services between the United States and Cuba. The IDT-ETECSA agreement is a positive development in the process of reestablishing direct communications between the U.S. and Cuba, and agreements of this sort will reap substantial benefits for the people of both nations.

TelePuede looks forward to executing a similar agreement with ETECSA. TelePuede has had significant difficulties obtaining such an agreement with ETECSA, notwithstanding its diligent efforts over the more than two years since receiving its 214 authorization, as evidenced by the eight negotiations progress reports TelePuede has filed.¹ While the execution of the IDT-ETECSA agreement might signify that TelePuede should soon have much greater success in concluding its own agreement with ETECSA, TelePuede remains skeptical given the difficulties it has encountered bringing ETECSA to the negotiation table. Therefore, although the IDT-ETECSA agreement contains a provision stating that no special concessions have been granted to IDT, the Commission should take further steps to ensure competition on the U.S.-Cuba route, consistent with the

¹ See IBFS File No. ITC-214-20121128-00314.

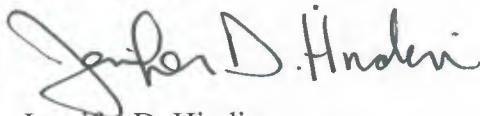
² See Letters from Paul A. Moore, TelePuede LCC to Mindel De La Torre, Chief, International Bureau, FC, IB Docket No. 10-95 (dated April 23, 2013, July 18, 2013, October 21, 2013, January 22, 2014, April 18, 2014, July 17, 2014, October 15, 2014, and January 13, 2015).

Mindel De La Torre
February 27, 2015
Page 2

requirement of the *TeleCuba Waiver Order* that the terms and conditions of the IDT-ETECSA agreement must be made available to other U.S. carriers and that IDT may be granted no exclusive rights.³ Accordingly, TelePuate respectfully requests that the FCC condition the effectiveness of the IDT-ETECSA agreement on the adoption of a rebuttable presumption that the IDT is a *de facto* special concession if ETECSA does not enter into a comparable agreement with another U.S. operator within sixty days. With such a condition, IDT's authority to serve Cuba pursuant to the terms of the *TeleCuba Waiver Order* would automatically expire in sixty days unless the presumption of it being a special concession is rebutted through ETECSA's execution of a comparable agreement with a U.S. carrier.

TelePuate thanks the Commission for its continued support, and will continue to keep the Commission apprised as to the status of its attempts to reach an agreement with ETECSA.

Best regards,



Jennifer D. Hindin
Counsel to TelePuate LLC

cc: Attached Certificate of Service
Nese Guendelsberger
Olga Madruga-Forti
David Krech

³ IConnect Wholesale, Inc. d/b/a TeleCuba, Petition for Waiver of the International Settlements Policy and Benchmark Rate for Facilities-Based Telecommunications Services with Cuba, IB Docket No. 10-95, IBFS File No. ISP-WAV-20100412-00007, *Memorandum Opinion and Order*, 26 FCC Rcd 5217 at ¶ 31 (IB 2011) ("*TeleCuba Waiver Order*").



Mindel De La Torre
February 27, 2015
Page 3

CERTIFICATE OF SERVICE

Certificate of Service

I, Kim Riddick, hereby certify that on this 27th day of February 2015, a copy of the foregoing letter is being sent via USPS first-class mail to the following:

Douglas Everette
Reed Smith
1301 K Street, NW
Suite 1100
Washington, D.C. 20005
Counsel for IDT Domestic Telecom, Inc.


Kim Riddick