

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

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In the Matter of	)	File No. ITC-214-20110228-00051
	)	
Antel USA, Inc.	)	
	)	
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 Justice (DOJ) submits 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, DOJ advises the Commission that it has 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 Antel USA, Inc. (Antel) to abide by the commitments and undertakings set forth in the July 4, 2011 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 facilities-based and resale services in the United States.

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).

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<sup>1</sup> 47 C.F.R. § 1.41.

After discussions with representatives of the Applicant in connection with the above-referenced proceedings, DOJ has concluded that the additional commitments set forth in the LOA will help ensure that DOJ and other agencies with responsibility for enforcing the law, protecting the national security, and preserving public safety, can proceed appropriately to satisfy those responsibilities. Accordingly, DOJ advises the Commission that it has no objection to the Commission granting the application in the above-referenced proceeding, provided that the Commission conditions its consent on compliance by Antel USA, Inc. with the LOA.

Respectfully submitted,

/S/ Richard C. Sofield  
Richard C. Sofield  
U.S. Department of Justice  
Director - Foreign Investment Review Staff  
National Security Division  
600 E Street, NW Rm 10000  
Washington, D.C. 20004

July 6, 2011



USA, Inc.  
9000 Sheridan St., Suite 138  
Pembroke Pines, FL 33024

July 4, 2011

Assistant Attorney General  
National Security Division  
US Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
FIRS-TT@usdoj.gov

Re: Pending application by Antel USA, Inc. for authorization under  
Section 214 of the Communications Act of 1934, as amended  
FCC ITC-214-20110228-00051

Sirs:

This letter outlines the commitments made by Antel USA, Inc. (Antel) to the US Department of Justice (DOJ) in order to address national security, law enforcement, and public safety concerns raised with regard to Antel's application to the Federal Communications Commission (FCC) for authority to provide facilities-based and resale services to all international points under Section 214 of the Communications Act of 1934, as amended.

Antel is a US corporation seeking an authorization from the FCC to provide global or limited global facilities-based and resale authority (Sections 63.18(e)(1) and Section 63.18(e)(2)) to all international points under Section 214 of the Communications Act of 1934, as amended. Antel plans to provide interconnection services, including private line/leased line, data, VPN, routing and signaling services, to its parent, Administración Nacional de Telecomunicaciones (ANTEL), and possibly to other enterprise customers. Antel does not currently have any residential, retail, or business customers and has no present plans to provide any end-user services in the US. Antel's parent and current sole customer is wholly-owned by the government of Uruguay and is the dominant telecom provider there.

Antel agrees that it will inform DOJ at least 30 days in advance if its business model changes to provide telecommunications services in the US, including providing services to end-user customers, either residential, business, or retail. Antel confirms that for any such services, it will comply with the Communications Assistance for Law Enforcement Act (CALEA), as applicable. Moreover, prior to the provision of such telecommunications services in the US, Antel agrees to designate a point of contact located in the US and preferably a US citizen, to receive service of process for US records and to support US law enforcement agencies' needs. Antel will provide this point of contact information to DOJ at least 30 days prior to the date that Antel begins to provide these services, and DOJ will have an opportunity to object to this individual.




USA, Inc.

Antel agrees that, for all Antel customer billing records, subscriber information, and any other related information used, processed, or maintained in the ordinary course of business relating to telecommunications services offered in the US (US Records), Antel will store either originals or copies of originals in the US and make such records available in response to lawful US process.<sup>1</sup> For these purposes, US Records shall include information subject to disclosure to a US Federal or state governmental entity under the procedures specified in Sections 2703(c) and (d) and Section 2709 of Title 18 of the US Code. Antel also agrees to ensure that US Records are not made subject to mandatory destruction under any foreign laws. Antel will report to DOJ the location where such US Records will be stored at least 30 days in advance of the time in which Antel anticipates generating US Records, and DOJ will have an opportunity to object to this location.

Antel agrees that it will not, directly or indirectly, knowingly disclose or permit disclosure of or access to US Records or domestic communications or any information (including the content of communication) pertaining to a wiretap order, pen/trap order, subpoena or other lawful demand by a US law enforcement agency for US Records, to any person if the purpose of such disclosure or access is to respond to the legal process or request on behalf of a non-US government entity without first satisfying all pertinent requirements of US law and obtaining the express written consent of DOJ or the authorization of a court of competent jurisdiction in the US. The term "non-US government entity" means any government entity/individual, including an identified representative, agent, component or subdivision thereof that is not a local, state or federal government in the US. Any such requests of legal process submitted by a non-US government entity to Antel shall be referred to the DOJ as soon as possible, and in no event later than 5 business days after such request or legal process is received by or known to Antel, unless the disclosure of the request or legal process would be in violation of US law or an order of a court of the US.

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

Sincerely,



Antel USA, Inc.

Name: Osvaldo Novoa

Title: Secretary

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<sup>1</sup> This statement does not supersede or replace Antel's other duties to comply with any applicable FCC requirements and regulations. Antel acknowledges that it must also meet any other applicable FCC regulatory requirements, including but not limited to any requirements related to the storage and protection of Customer Proprietary Network Information.