

November 21, 2016

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation, FCC File No. ITC-214-20110901-00289

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206(b)(1), China Mobile International (USA) Inc. notifies the Commission of an *ex parte* presentation in the above-referenced proceeding. On November 17, 2016, Frank Lin (President, CMIUSA), Shen Weizhong (Chief Operating Officer of China Mobile International Limited (“CMI”)), Karen Lau (General Counsel of CMI), Heidi Zheng (Senior Analyst, Corporate Department, CMI), Sam Mok (Managing Member of Condor International Advisors LLC), and I met with Mindel De La Torre (Chief, International Bureau), Denise Coca (Chief, Telecommunications and Analysis Division, International Bureau), and David Krech (Associate Chief, Telecommunications and Analysis Division, International Bureau). We discussed the status of Team Telecom’s review of CMIUSA’s application as well as the regulatory status of various services that CMIUSA plans to offer in the U.S. market.

Specifically, we discussed the following services and their current U.S. regulatory treatment.

- ***MPLS-Based IP VPN and IP Backbone+Local Loop:*** We discussed the fact that such services would require international Section 214 authority only if (a) they contained a discrete international transmission offering and (b) that such an offering was made on a common-carrier basis. CMIUSA stated that it does not presently offer or plan to offer such services with a discrete international transmission component on a common-carrier basis and that its planned MPLS-based IP VPN and IP backbone + local loop offerings therefore do not require international Section 214 authority. We further discussed that the potential offering of a domestic transmission service component as part of such a service could still require domestic Section 214 authority or state-level authority for intrastate telecommunications, depending on CMIUSA’s particular service offerings.

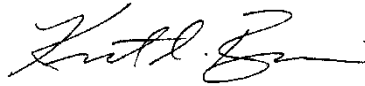
- ***Data Roaming:*** We discussed that under existing Commission rules and precedent that data roaming, if offered between the United States and a foreign point, would not require international Section 214 authority. We noted that such treatment could change depending on the initiation and outcome of a rulemaking originally contemplated for consideration at the Commission's November 17, 2016, open meeting.
- ***Data Center and Cross-Connect Services:*** We discussed the fact that data center offerings, such as data storage, collocation, and power are not telecommunications services, much less international telecommunications services requiring international Section 214 authority. We further discussed that certain cross-connect services could, if they constituted transmission services, constitute domestic telecommunications services requiring domestic Section 214 or state-level authority for intrastate telecommunications, depending on CMIUSA's particular service offerings.
- ***Cloud Services:*** We discussed the fact that cloud services constitute a paradigmatic information service involving computer processing and interaction with stored information, so they would not require domestic or international Section 214 authority.
- ***MVNO Services:*** We discussed the fact that the Commission has long treated MVNO services with a switched voice component as resale services requiring international Section 214 authority if offered on a common-carrier basis. As CMIUSA's application remains pending, CMIUSA has not yet begun to offer such services in the United States.
- ***International Interexchange Services and International Private Line Circuits:*** We discussed the fact that the Commission has long treated these services as paradigmatic common-carrier services requiring international Section 214 authority. As CMIUSA's application remains pending, CMIUSA has not yet begun to offer such services in the United States.

We also discussed again, as in a prior conversation between Commission staff and CMIUSA in 2013, that CMIUSA's existing offerings of IP transit services and wholesale voice transit services did not constitute international telecommunications services requiring international Section 214 authority.

Ms. Marlene H. Dortch
Federal Communications Commission
November 21, 2016
Page 3

Should you have any questions, please contact me by telephone at +1 202 730 1337 or by e-mail at kbressie@hwglaw.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kent Bressie". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kent Bressie

Counsel for China Mobile International (USA) Inc.

cc: Mindel De La Torre
Denise Coca
David Krech