

March 12, 2013

VIA IBFS

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

Re: China Mobile International (USA) Inc. Request for International Section
214 Authority
FCC File No. ITC-214-20110901-00289

Dear Ms. Dortch:

China Mobile International (USA) Inc. (“China Mobile USA”), though counsel, requests that the Commission promptly grant the above-referenced application for authority to provide U.S.-international telecommunications services on a global facilities-based and resold basis pursuant to Sections 63.18(e)(1) and (e)(2) of the Commission’s rules. China Mobile USA filed its application more than 18 months ago, on September 1, 2011. The extreme delay in granting the application is causing significant and unwarranted harm to China Mobile USA’s business operations.

The Commission accepted the application for filing and the pleading cycle closed 17 months ago without opposition.¹ China Mobile USA has cooperated with staff and has made the requisite showings under the Commission’s rules that grant of the application would be consistent with the public interest, convenience and necessity. However, New York State Assemblyman Anthony J. Brindisi only recently submitted a letter urging the Commission to deny the application (the “Brindisi Letter”).²

The Brindisi Letter should be disregarded on both procedural and substantive grounds. Section 63.20(d) of the Commission’s rules states that a petition to deny an application must be filed within the relevant public notice period, and that a copy of the petition must be served on

¹ See *Streamlined International Applications Accepted for Filing*, Public Notice, Report No. TEL-01519S (rel. Sept. 16, 2011).

² See Letter from Anthony J. Brindisi, New York State Assembly, to Julius Genachowski, Chairman, FCC (dated Feb. 6, 2013).

Marlene H. Dortch

March 12, 2013

Page 2

the applicant.³ In this case, the Brindisi Letter was filed more than 16 months after the deadline for oppositions and it was never served on the applicant. (Indeed, the applicant only became aware of the Brindisi Letter after it was posted by the Commission in IBFS on or around February 27, 2013.)

Moreover, under Section 63.20(d) of the Commission's rules, a petition to deny must contain specific allegations of fact supported by an affidavit sufficient to show that grant of the application would be inconsistent with the public interest, convenience and necessity. The Brindisi Letter fails by a wide margin to meet this standard. It includes no specific facts or evidence that grant of China Mobile USA's application would be contrary to the public interest. Rather, it merely offers conclusory statements unrelated to the specifics of the application, and express generalized suspicion of China-based companies. The Commission has long held that such wildly speculative assertions must be rejected, and it should do so here as well.⁴

Further delays in granting the application will merely fuel these types of disparaging and unfounded allegations. These delays continue to harm China Mobile USA's business, and place the company at a competitive disadvantage to other international carriers whose U.S. operations have long been approved by the Commission.⁵ Accordingly, China Mobile USA strongly urges the Commission to grant the application immediately.

Sincerely,

/s/ Jennifer L. Kostyu

Jennifer L. Kostyu

Counsel to China Mobile International (USA) Inc.

cc: George Li
David Krech
Susan O'Connell

³ 47 C.F.R. § 63.20(d).

⁴ See, e.g., *Sirius XM Radio, Inc. and Liberty Media Corporation for Consent to Transfer De Jure Control of Sirius XM Radio, Inc.*, Order, 28 FCC Rcd 6, 9 (IB 2013); *Cornerstone SMR, Inc.*, Order, 24 FCC Rcd 4857, 4859 (2009); *Applications of Cellco Partnership d/b/a Verizon Wireless and Atlantis Holdings LLC*, Memorandum Opinion and Order and Declaratory Ruling, 23 FCC Rcd 17444, 17537-38 (2008); *Applications of AT&T Wireless Services, Inc. and Cingular Wireless Corporation*, Memorandum Opinion and Order, 19 FCC Rcd 21522, 21591 (2004).

⁵ For example, the Commission has previously granted international Section 214 authorizations to China Netcom (USA) Operations Limited (File No. ITC-214-20020728-00361) and China Telecom (Americas) Corporation (ITC-214-20010613-00346 and ITC-214-20020716-00371).