



July 5, 2012

Lisa Monaco  
Assistant Attorney General  
National Security Division  
US Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
ttelecom@usdoj.gov

Re: Pending application by GSH Communications LLC for authorization under  
Section 214 of the Communications Act of 1934, as amended,  
FCC ITC-214-20111108-00344

Sirs:

This letter outlines the commitments made by GSH Communications LLC (GSH) to the US Department of Justice (DOJ) in order to address national security, law enforcement, and public safety concerns raised with regard to GSH'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.

GSH is a new 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 63.18(e)(2)) to all international points under Section 214 of the Communications Act of 1934, as amended. Initially, GSH plans to provide prepaid telephone calling cards to its clients. Eventually, GSH also plans to offer interconnected Voice Over Internet Protocol (VoIP) services.

GSH confirms that before it offers any such VoIP services, it will comply with all applicable lawful intercept statutes, regulations, and requirements, including the Communications Assistance for Law Enforcement Act (CALEA) and its implementing regulations, and will all court orders and other legal process for lawfully authorized electronic surveillance. GSH agrees that at least 60 days before it offers the above-described VoIP services, it will report to DOJ, at the address listed above, on the status of its implementation of lawful interception capabilities, including the status of its compliance with CALEA. GSH further agrees that it will promptly notify DOJ, at the



address listed above, before it seeks to commence the sale (or resale) of any type of communications services not described in this letter, or if there are any other material changes in any of the facts as represented in this letter.

GSH agrees that, for all GSH 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), GSH will store either originals or copies of originals in the U.S. GSH further agrees that its designated point of contact will have access to, and will make such records available promptly and in any event no later than five business days, in the United States in response to lawful US process.<sup>1</sup> For these purposes, US Records shall include information subject to disclosure to a U.S. Federal or state governmental entity under the procedures specified in Sections 2703(c) and (d) and Section 2709 of Title 18 of the U.S. Code. GSH also agrees to ensure that U.S. Records are not made subject to mandatory destruction under any foreign laws.

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

GSH agrees that in the event the commitments set forth in this letter are breached, in addition to any other remedy available at law or equity, the DOJ may request that the FCC modify, condition, revoke, cancel, or render null and void any relevant license, permit, or other authorization granted by the FCC to GSH or any successor-in-interest. Nothing herein shall be construed to be a waiver by GSH of, or limitation on, its right to oppose or comment on any such request.

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<sup>1</sup> This statement does not supersede or replace GSH’s other duties to comply with any applicable FCC requirements and regulations regarding the storage and protection of customer records, including but not limited to requirements related to the storage and protection of Customer Proprietary Network Information.



Nothing in this letter is intended to excuse GSH from its obligations to comply with any and all applicable legal requirements and obligations, including any and all applicable statutes, regulations, requirements, or orders.

We understand that, upon execution of this letter by an authorized representative or attorney for GSH, DOJ shall notify the FCC that it has no objection to the FCC's grant of GSH's application.

Sincerely,

A handwritten signature in purple ink, appearing to read 'J. Gamez', is written over a horizontal line.

GSH Communications LLC  
Name: Jose Antonio Gamez  
Title: President