

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

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In the Matter of Voiamo US Inc)	File No. ITC-T/C-20120821-00208
)	
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) (the Agency) submits this Petition to Adopt Conditions to Authorizations and Licenses (Petition), pursuant to Section 1.41 of the Federal Communications Commission (“Commission”) rules.¹ Through this Petition, the Agency 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 Voiamo US Inc to abide by the commitments and undertakings set forth in the November 14, 2012 Letter of Assurances (LOA), which is attached hereto. In the above-referenced proceeding, the Applicant petitioned the Commission for authority to provide global or limited global resale authority (Section 63.18(e)(2) to all international points under Section 214 of the Communications Act of 1934, as amended.

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*

¹ 47 C.F.R. § 1.41.

Matter of Comsat Corporation d/b/a Comsat Mobile Communications, etc., 16 FCC Rcd. 21,661, 21707 ¶ 94 (2001).

After discussions with representatives of the Applicant in connection with the above-referenced proceedings, the Agency has concluded that the additional commitments set forth in the LOA will help ensure that the Agency with responsibility for enforcing the law, protecting the national security, and preserving public safety, can proceed appropriately to satisfy those responsibilities. Accordingly, the Agency 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 Voiamo US Inc with the LOA.

Respectfully submitted,

/s/ Richard C. Sofield
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November 19, 2012



14 November 2012

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Dear Ms Monaco,

Re: Pending application by Voiamo US Inc for authorization under Section 214 of the Communications Act of 1934, as amended, FCC ITC-214-20120821-00208

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

Voiamo is a new US corporation seeking an authorization from the FCC to provide global or limited global resale authority (Section 63.18(e)(2)) to all international points under Section 214 of the Communications Act of 1934, as amended. Initially, Voiamo plans to provide data-only Mobile Virtual Network Operator (MVNO) services to its clients. Eventually, Voiamo also plans to offer voice services.

Voiamo confirms that before it offers any such voice services (regardless of method of delivery), it will notify DOJ, at the address listed above, and will answer all technical, business, and personnel questions to DOJ's satisfaction before offering any such services. Voiamo understands that, upon successful review by DOJ, this letter may be, by mutual consent, terminated or amended to allow Voiamo full exercise of global or limited global resale authority as granted by the FCC.

Voiamo 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.

Voiamo confirms that 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 comply with all court orders and other legal process for lawfully authorized electronic surveillance. Voiamo agrees that before it offers the above-referenced voice services, it will notify DOJ, at the address listed above, on the status of its implementation of lawful interception capabilities, including the status of its compliance with CALEA.

Voiamo 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 US law enforcement agency for US 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-US 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 US. The term "US Records" means 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 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. 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 US. Any such requests or legal process submitted by a non-US government to Voiamo 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 Voiamo, 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.

Voiamo 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 Voiamo or any successor-in-interest. Nothing herein shall be construed to be a waiver by Voiamo of, or limitation on, its right to oppose or comment on any such request.

Nothing in this letter is intended to excuse Voiamo 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 Voiamo, DOJ shall notify the FCC that it has no objection to the FCC's grant of Voiamo's application.

Sincerely,

A handwritten signature in black ink, appearing to read "NB" followed by a stylized flourish.

Nigel Bramwell – Director, Voiamo US Inc