

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

In the Matter of

42COM International Inc.

Application for authorization under Section
214 of the Communications Act of 1934, as
amended

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) File No. ITC-214-20121108-00287
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**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.¹ 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 42COM International Inc. (42COM) to abide by the commitments and undertakings set forth in the July 8, 2013 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 resale services between the United States and permissible international points.

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*

¹ 47 C.F.R. § 1.41.

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, 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 42COM with the LOA.

Respectfully submitted,

/S/ Richard C. Sofield
Richard C. Sofield
U.S. Department of Justice
Director - Foreign Investment Review Staff
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July 22, 2013



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Mr. John Carlin
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July 8, 2013

Re: 42COM International Inc. application for authorization under Section 214 of the Communications Act of 1934, as amended, to provide resale services between the United States and permissible international points, FCC ITC-214-20121108-00287

Dear Mr. Carlin:

This letter outlines the commitments made by 42COM International Inc. (42COM) to the U.S. Department of Justice (DOJ) in order to address national security, law enforcement, and public safety concerns raised with regard to the 42COM application to the Federal Communications Commission (FCC) requesting authority under Section 214 of the Communications Act of 1934, as amended, to provide resale services between the United States and permissible international points.

Once operational, 42COM intends to offer wholesale termination and turnkey calling card solutions. The wholesale service will be a pure termination service. 42COM agrees that it will inform DOJ at least 30 days in advance if its business model changes to provide additional telecommunications services in the U.S. and/or before it seeks to commence the sale (or resale) of any type of communications services in the U.S. 42COM confirms that it will implement a solution to comply with the Communications Assistance for Law Enforcement Act (CALEA) at the time it begins providing such service. 42COM further agrees to submit a certification to DOJ each year on the anniversary of the date of this letter reaffirming the commitments in this letter, describing any violations of such commitments, and describing its technical capabilities for complying with the Communications Assistance for Law Enforcement Act ("CALEA"). 47 U.S.C. § 1001 et seq.

42COM also agrees that for all 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 U.S. (U.S. Records), 42COM will store either originals or copies in the U.S. 42COM further agrees that its designated law enforcement 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 U.S. in response to lawful U.S. process. For these purposes, U.S. 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. 42COM also agrees to ensure that U.S. Records are not made subject to mandatory destruction under any foreign laws.

42COM has designated Dean Bourque, President of 42COM and a citizen of the United States, as its point of contact to receive service of process for U.S. records and to support US law enforcement agencies' lawful requests for assistance. The company shall provide DOJ in writing at least 30 days advance notice of any change to this point of contact and such change shall be subject to review and non-objection by DOJ. The point(s) of contact shall be a resident U.S. citizen, and 42COM shall cooperate with any request by a U.S. government authority that a background check or security clearance process be completed for any designated point of contact.

42COM agrees that it will not, directly or indirectly, disclose or permit disclosure of or access to U.S. Records or domestic communications or any information (including the content of communications) pertaining to a wiretap order, pen/trap order, subpoena or other lawful demand by a U.S. law enforcement agency for U.S. 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-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 US. The term "non-U.S. 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 for legal process submitted by a non-U.S. government to 42COM shall be referred to 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 42COM, unless disclosure of the request or legal process would be in violation of U.S. law or an order of a court of the US.

42COM 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, 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 42COM or any successors-in-interest. Nothing herein shall be construed to be a waiver by 42COM of, or limitation on, its right to oppose or comment on any such request.

Nothing in this letter is intended to excuse 42COM from its obligations to comply with any and all applicable legal requirements and obligations, including any and all applicable statutes, regulations, requirements, or orders.

42COM understands that, upon execution of this letter by an authorized representative or attorney for 42COM, DOJ shall notify the FCC that it has no objection to the FCC's grant of 42COM's application.

Sincerely,

CLARK BANACH



42COM International Inc.