

George Li

From: George Li
Sent: Monday, January 14, 2013 10:07 AM
To: 'Sofield, Richard (NSD)'
Cc: 'Shaifer, Marilyn (NSD)'
Subject: RE: Cover Letter Reference EB 2012-38

Thank you Rick. Happy Monday!

From: Sofield, Richard (NSD) [mailto:Richard.Sofield2@usdoj.gov]
Sent: Monday, January 14, 2013 9:58 AM
To: George Li; Adrienne Downs; David Krech; James Ball
Subject: Cover Letter Reference EB 2012-38

Team Telecom requests that the following matters be removed from streamline:

ITC-214-20121210-00319 Bovalan, Inc.
ITC-214-20121210-00323 Ocean Technology Ltd.
ITC-214-20121213-00324 Pure IP US LLC
ITC-214-20121222-00325 Advanced Voice Technologies LLC

Thank you.

Richard C. Sofield
Director
Foreign Investment Review Staff
National Security Division
U.S. Department of Justice

W-(202) 233-0702
M-(202) 598-0667

1/14/2013

George Li

From: Ongman, Joanne (NSD) <Joanne.Ongman@usdoj.gov>
Sent: Tuesday, May 13, 2014 9:33 AM
To: David Krech
Cc: 'Slade, Janine' <janine.slade@HQ.DHS.GOV>; 'Janine Slade@HQ.DHS.GOV'; 'Jacobs, Samuel P CTR OSD DOD CIO (US)' (samuel.p.jacobs.ctr@mail.mil)'; James Ball; George Li; Sofield, Richard (NSD)
Subject: RE: Bovalan FCC ITC-214-20121210-00319 - request for dismissal
Attachments: Bovalan memo to FCC final 5.12.14.docx

Hi David,

Jennifer Cassanelli informed me that the FCC asked her during a meeting that Team Telecom provide the FCC with a document regarding the status of the Bovalan TT matter that the FCC could put on the public record requesting dismissal of this case for failure of the company to promptly and properly respond.

That document is attached to this email.

Thanks much for your assistance with this matter,

Joanne Ongman
Attorney Advisor
U.S. Department of Justice
National Security Division
U.S. Department of Justice

From: David Krech [mailto:David.Krech@fcc.gov]
Sent: Tuesday, February 11, 2014 11:50 AM
To: Ongman, Joanne (NSD)
Cc: 'Slade, Janine' <janine.slade@HQ.DHS.GOV>; 'Janine Slade@HQ.DHS.GOV'; 'Jacobs, Samuel P CTR OSD DOD CIO (US)' (samuel.p.jacobs.ctr@mail.mil)'; James Ball; George Li
Subject: RE: Bovalan FCC ITC-214-20121210-00319

Can you tell us who you have been dealing with? Who has been sending the responses?

Thank you.

From: David Krech
Sent: Friday, February 07, 2014 2:56 PM
To: 'Ongman, Joanne (NSD)'; George Li
Cc: 'Slade, Janine' <janine.slade@HQ.DHS.GOV>; 'Janine Slade@HQ.DHS.GOV'; 'Jacobs, Samuel P CTR OSD DOD CIO (US)' (samuel.p.jacobs.ctr@mail.mil)'; James Ball
Subject: RE: Bovalan FCC ITC-214-20121210-00319

Thanks Joanne. We will discuss this internally and get back to you.

From: Ongman, Joanne (NSD) [mailto:Joanne.Ongman@usdoj.gov]
Sent: Friday, February 07, 2014 2:51 PM
To: George Li; David Krech

Cc: Slade, Janine <janine.slade@HQ.DHS.GOV> (janine.slade@HQ.DHS.GOV); Jacobs, Samuel P CTR OSD DOD CIO (US) (samuel.p.jacobs.ctr@mail.mil)

Subject: Bovalan FCC ITC-214-20121210-00319

Good Afternoon George and David,

I have been asked by DHD and DOD Team Telecom representatives to contact the FCC regarding the above-referenced application because my colleagues related that, in the course of recent discussions with the FCC on Team Telecom matters, the FCC requested that Team Telecom alert it about matters in which the applicants have not been responsive to Team Telecom inquiries. Bovalan appears to be such a case. Team Telecom is unable to complete review of this matter due to the unresponsive, contradictory and/or ambiguous answers provided to triage questions and therefore requests the FCC to dismiss this application.

First, the company delayed responding to the first set of triage questions, sent on Jan. 11, 2013, for almost 6 months, until May 21, 2013.

Team Telecom found the answers provided to be unclear in several material respects and sent a first set of follow-up questions on June 18, 2013. Answers to these questions were not received until August 21, 2014.

Again, these answers did not resolve all concerns and a second set of follow-up questions was sent on Sept. 26, 2013. After almost 2 months, the answers were sent to us on Nov. 12, 2013.

Because these answers still left questions unresolved, a third set of follow-up questions was sent on Jan. 10, 2013, for which answers were received on Jan. 27, 2014.

However, these answers did not resolve outstanding concerns.

One specific example of the lack of responsiveness that DOJ has encountered is the fact that the same passport number was used for 2 individuals and this issue has not been corrected despite repeated requests in the follow-up questions. Therefore, DOJ is unable to complete background checks. My Team Telecom colleagues at DHS (Janine Slade) and DOD (Sam Jacobs) can be contacted directly to provide further examples of unresponsive, contradictory, and/or ambiguous answers.

Regards,

Joanne Ongman
Attorney Advisor
U.S. Department of Justice
National Security Division
U.S. Department of Justice

FCC # ITC-214-20121210-00319 Bovalan, Inc. DBA Simply Talk

Pursuant to 47 U.S.C. § 310, the Federal Communications Commission (FCC) may not grant a broadcast, common carrier, or aeronautical en route or fixed radio station license to certain foreign owned corporations “if the Commission finds that the public interest will be served by the refusal or revocation of such license.” 47 U.S.C.A. § 310(b)(4). The FCC has also applied this public interest standard to licenses granted under sections 214 and 308 of the Communications Act. See 47 C.F.R § 1.903; 47 C.F.R. § 63.18. In furtherance of this public interest standard, the FCC provides to the Departments of Justice, Defense and Homeland Security (reviewing agencies) certain petitions before the FCC to perform a public interest review to determine if there are reasons to object, for national security or law enforcement reasons, to the Commission granting new licenses or approving the transfer of existing licenses. In the above-referenced matter, the reviewing agencies are unable to complete their public interest review based on the information provided by the applicant in response to requests for information from these agencies.

Triage questions were first sent to the company on January 11, 2013. The applicant’s responses were not received until May 21, 2013.

Upon receipt of the May 21, 2013 responses, the reviewing agencies found these answers required clarification in several material respects and sent a set of follow-up questions to the applicant on June 18, 2013. Answers to these follow-up questions were not received until August 21, 2013.

Upon review of the further responses, the reviewing agencies determined that in order to resolve inconsistencies in the answers received to that date, a second set of follow-up questions was needed and such questions were sent to the applicant on Sept. 26, 2013. The applicant responded on November 12, 2013. However, because these answers still left inconsistencies unresolved, a third set of follow-up questions was sent on January 10, 2013, for which answers were received on Jan. 27, 2014. However, these answers were also incomplete and did not resolve the identified inconsistencies.

Accordingly, the reviewing agencies have made significant attempts over an extended time period to elicit clear responses from the applicant. In their responses to these attempts, the applicant has produced inconsistent information such that the reviewing agencies are unable to complete their public interest review of this application. Given the number of attempts that the reviewing agencies have made to elicit clear responses from the applicant and the length of time that has elapsed in pursuing this information, the reviewing agencies request the FCC to dismiss this application without prejudice.



Federal Communications Commission
Washington, D.C. 20554

May 23, 2014

Mr. Daniel Zimmerman
Wilmer Cutler Pickering Hale and Dorn LLP
950 Page Mill Road
Palo Alto, CA 94304


Dear Mr. Zimmerman:

This letter concerns the application (TTC-214-20121210-00319) filed by Bovalan, Inc. DBA Simply Talk™ for authority under Section 214 of the Communication's Act of 1934, 47 U.S.C. 214 to provide international global resale services. We forwarded the application to the Executive Branch agencies on December 26, 2012. On January 18, 2013 we removed the application from streamlined processing pending Executive Branch review.¹

We are informed by the Executive Branch agencies that the applicant's responses to triage questions after reviewing remain incomplete after several exchanges and otherwise do not resolve inconsistencies that the reviewing agencies have identified in agency follow up questions. The agencies are requesting that the Commission dismiss the application in view of repeated attempts they state have been made to elicit clear responses from the applicant and the length of time that has elapsed in pursuing the information.

Please immediately contact the Executive Branch reviewing agencies and resolve all outstanding information requests. Confirm with us no later than June 6, 2014 that you have taken this action. Failure to so advise us will subject the Bovalan application to dismissal without prejudice under sections 1.748(a) and 63.51(b) of the Commission's Rules, 47 C.F.R. §§ 1.748(a); 63.51(b).

Sincerely,


James L. Ball
Chief, Policy Division
International Bureau

¹ Public Notice Report No. TEL-01599S.



Federal Communications Commission
Washington, D.C. 20554

June 12, 2014

Mr. Daniel Zimmerman
Wilmer Cutler Pickering Hale and Dorn LLP
950 Page Mill Road
Palo Alto, CA 94304

RE: NOTICE OF DISMISSAL
TTC-214-20121210-00319
Bovalan, Inc. DBA SimplyTalk(TM)

Dear Mr. Zimmerman:

On May 23, 2014, we requested by official correspondence, also forwarded by email, information about the status of the application referenced above.¹ We asked that you confirm that you contacted Executive Branch agencies reviewing the application to resolve outstanding information requests in connection with that review. We informed you that failure to advise us would subject the application to dismissal without prejudice.²

You failed to respond to my May 23, 2014 letter. Accordingly, we have dismissed your application without prejudice, by the attached Public Notice Report No. TEL-01675; DA No. 14-811; released June 12, 2014.

Sincerely,

A handwritten signature in blue ink that reads "James L. Ball".

James L. Ball

Chief, Policy Division
International Bureau

¹ Letter from James L. Ball, Chief, Policy Division, International Bureau, FCC, to Mr. Daniel Zimmerman, Wilmer Cutler Pickering Hale and Dorn LLP, on May 23, 2014 (May 23, 2014 Letter).

² 47C.F.R. §§ 1.748(a); 63.51(b).