

July 9, 2013

John Carlin
Acting Assistant Attorney General
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
ttelecom@usdoj.gov

Re: Ocean Technology Limited application for authority to provide Global or Limited Global Facilities-Based Service and Global or Limited Global Resale Service in accordance with section 63.18(e)(1) and (e)(2) of the Commission's rules, FCC ITC-20121210-00323.

Dear Mr. Carlin:

This letter outlines the commitments made by Ocean Technology Limited (Ocean) to the U.S. Department of Justice (DOJ), including the Federal Bureau of Investigation, Drug Enforcement Agency, and U.S. Marshals Service, in order to address national security, law enforcement, and public safety concerns raised with regard to Ocean's application to the Federal Communications Commission (FCC) requesting authority to provide facilities-based and resale services between the U.S. and all authorized international points.

Ocean is a telecom company that offers Web-based calling cards (printed and on-line), Web phone applications, Smart phone applications, and Voice Over Internet Protocol (VoIP)-based services to individuals and residential end users, as well as carrier-wholesale and retail services.

Ocean agrees that it will inform DOJ at least 30 days in advance if its business model changes to provide telecommunications services in the U.S. aside from those identified above, including providing interconnected VoIP services to end-user customers, either residential, business, or enterprise. Ocean confirms that, for any services requiring compliance with the Communications Assistance for Law Enforcement Act (CALEA), 47 U.S.C. §§ 1001-1010, Ocean will comply with CALEA. Moreover, if Ocean begins to provide telecommunications services in the U.S. other than those identified in the prior paragraph, Ocean agrees to maintain a point of contact in the U.S., preferably a U.S. citizen or Lawful Permanent Resident, to receive service of process for U.S. records and to support U.S. law enforcement agencies' lawful requests for assistance. The personal identifying information for that point of contact will be provided to DOJ at least 30 days prior to the date that Ocean begins to provide such service(s).

Ocean 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),¹ Ocean will store either originals or copies in the U.S. Ocean further agrees that its designated law enforcement point of contact will have access to Ocean's U.S. Records, and will make such records available to law enforcement promptly, and in any event no later than five business days subsequent to the service of a lawful request, in the U.S. in response to lawful U.S. process, to include lawful requests from both federal and state entities.² The location of the U.S. Records' storage facility will be provided to DOJ at least 30 days in advance of the time in which Ocean anticipates generating such U.S. Records. Ocean also agrees to ensure that U.S. Records are not made subject to mandatory destruction under any foreign laws.

Ocean 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 agency³ 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 U.S.⁴ Any such requests for legal process submitted by a non-U.S. government to Ocean 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 Ocean, unless disclosure of the request or legal process would be in violation of U.S. law or an order of a court of the U.S.

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

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

¹ 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.

² This statement does not supersede or replace Ocean'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 (CPNI).

³ "U.S. law enforcement agency," as used herein, refers to legitimate federal and state law enforcement entities.

⁴ 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.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Sagar", with a horizontal line underneath.

Sagar Uprey
Ocean Technology Limited