



U.S. Department of Justice

National Security Division

Foreign Investment Review Staff

Washington, D.C. 20530

July 1, 2015

By Electronic Filing

Ms. Marlene H. Dortch
Secretary of the Federal Communications Commission
Federal Communications Commission
445 12th St. SW, Room TW-B204
Washington, DC 20554

Re: **Ocean Technology, Ltd., File No. ITC-214-20121210-00323 (DA No. 13-1637 (July 25, 2013))**

Dear Ms. Dortch:

The Department of Justice (“DOJ”), to include the Federal Bureau of Investigation, the Drug Enforcement Agency, and the U.S. Marshals Service, hereby notifies the Federal Communications Commission (“FCC” or “Commission”) of the failure by Ocean Technology, Ltd. (“Ocean”), the applicant in the above-referenced proceeding, to actively engage with the DOJ regarding a July 9, 2013, Letter of Assurance (“LOA”) from Ocean to the DOJ. Ocean’s compliance with the LOA was a term imposed by the FCC in granting Ocean an international telecommunications certificate on July 17, 2013 (“the Certificate”) (authorization file number **ITC-214-20121210-00323**) (DA No. 13-1637). As outlined further below, Ocean has been wholly nonresponsive to the DOJ’s multiple attempts to communicate regarding the LOA, and hence the DOJ is unable to assess Ocean’s LOA compliance. Consequently, the DOJ considers Ocean to be non-compliant with the LOA, and hereby requests that the FCC terminate, declare null and void and no longer in effect, and/or revoke file number **ITC-214-20121210-00323**, the current authorization granted to Ocean.

Prior to Ocean receiving the Certificate, the DOJ expressly conditioned its non-objection to Ocean being granted any FCC authorities on “the Commission condition[ing] its approval on the assurance of [Ocean] to abide by the commitments and undertakings set forth in the [LOA] from Ocean to DOJ.” (See Attachment 1, at 1 (Pet. To Adopt Cond. To Auth. and Licenses (including LOA) (July 16, 2013)).) As stated in the public notice disclosing the grant of the Certificate (See Attachment 2, at 2 (Public Notice (DA No. 13-1637))), the FCC concurred with the Agencies’ request and conditioned the applicant’s authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the FCC’s rules, and also to provide service in accordance with Section 63.18(e)(2) of the FCC’s rules, on the applicant “abiding by the commitments and undertakings set forth in the [LOA] from Sagar Uprety to [the] Acting Assistant Attorney General, National Security Division, DOJ.”

The DOJ's open-source searches indicate that Ocean is still in operation and providing services pursuant to the Certificate.¹ Despite its operational status, every attempt by the DOJ to communicate with Ocean regarding its LOA compliance has resulted in failure.² Further, as already outlined, Ocean's former legal counsel has not been in contact with Ocean since July 2014 and also received no response to his attempts to communicate with Ocean. Consequently, the DOJ is rendered wholly unable to evaluate Ocean's compliance with the LOA, and must consider Ocean to be non-compliant.

Given Ocean's non-compliant status with respect to the LOA, the DOJ asserts that Ocean has not satisfied the terms upon which the DOJ proffered its non-objection to the granting of FCC authorities to Ocean. Further, the DOJ asserts that Ocean appears unable or unwilling to comply with the terms mandated by the FCC in its July 17, 2013, grant of an international telecommunications certificate.

Because Ocean has failed to act in accordance with the LOA, and given that such compliance was an express condition of both the DOJ's non-objection to the granting of authority and of the FCC's grant of authority to Ocean, the DOJ requests that the FCC terminate, declare null and void and no longer in effect, and/or revoke the July 17, 2013, international telecommunications certificate issued to Ocean, authorization file number **ITC-214-20121210-00323**.

Thank you for your consideration.

Sincerely,

____s/Richard Sofield_____
Richard Sofield
Director, Foreign Investment Review Staff
National Security Division
U.S. Department of Justice

¹ Internet searches regarding Ocean's operating status, initiated in February 2015, revealed that the company maintains two active websites and continues to advertise services pursuant to authorization file number **ITC-214-20121210-00323**, in addition to advertising certain web-based and/or technology based support services.

² Specifically, on February 10, 2015, the DOJ contacted Mr. Thomas Lynch, Ocean's former legal counsel, to inquire as to whether he was still a point of contact for Ocean. Mr. Lynch responded immediately and indicated that he would need to check with Ocean. On February 23, 2015, the DOJ again contacted Mr. Lynch, who responded that he had not received any response from Ocean. On February 24, 2015, the DOJ sent an e-mail message to Suman Khadka, the individual who executed the LOA on behalf of Ocean and requested information regarding Ocean's compliance with the LOA no later than March 17, 2015. The DOJ received no response to that message. On May 8, 2015, the DOJ again communicated with Mr. Lynch to ask for his point of contact at Ocean, and Mr. Lynch responded that Mr. Khadka was his only contact. The DOJ then again requested a compliance verification from Mr. Khadka, who as of the date of this letter has not responded to the DOJ's inquiries.

cc: David Krech
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