



PUBLIC NOTICE

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Notice of Intent to Declare the International Section 214 Authorization of Ocean Technology Limited Terminated

File No. ITC-214-20121210-00323

By this Public Notice, the International Bureau (Bureau) affords Ocean Technology Limited (Ocean) final notice and opportunity to respond to the July 1, 2015 letter submitted by the Department of Justice (DoJ), Federal Bureau of Investigation, the Drug Enforcement Agency, and the U.S. Marshals Service (collectively the “Executive Branch agencies”) requesting that the FCC terminate, and declare null and void and no longer of effect, and/or revoke¹ the international section 214 authorization issued to Ocean under file number **ITC-214-20121210-00323**.² The Executive Branch agencies state that Ocean has failed to comply with the commitments and undertakings contained in the July 9, 2013 Letter of Assurance (LOA)³ entered into with the Executive Branch agencies to address national security and law enforcement concerns.⁴ Compliance with these commitments and undertakings is a condition to the section 214 authorization granted to Ocean by the Commission on July 17, 2013.⁵ Neither the Commission nor the Executive Branch agencies have been able to communicate with Ocean to resolve this matter.

Ocean’s failure to respond to this Public Notice will be deemed as an admission of the facts alleged by the Executive Branch agencies. The Bureau now provides final notice to Ocean that it intends to take action to declare Ocean’s international 214 authorization terminated for failure to comply with

¹ Letter from Richard Sofield, Director, Foreign Investment Review Staff, National Security Division, U.S. Department of Justice to Marlene H. Dortch, Secretary, Federal Communications Commission, dated July 1, 2015 (*Executive Branch July 1, 2015 Letter*). On August 25, 2015, the International Bureau, Policy Division sent Ocean to the last known addresses on record via return receipt the *Executive Branch July 1, 2015 Letter* asking Ocean to respond to the Executive Branch agencies allegations within 30 days, by September 24, 2015. Letter from Denise Coca, Chief, Policy Division, International Bureau, FCC to Suman Khadka, Ocean Technology Limited, dated August 25, 2015. Ocean did not respond to our request. A copy of both letters may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for File No. ITC-214-20121210-00323 and accessing the “other filings related to this application” from the Document Viewing area.

² International Authorizations Granted, Report No. Tel-01628, Public Notice, 28 FCC Rcd 10916, 10917 (Int’l Bur. 2013) (*Ocean July 2013 International Authorization*).

³ Letter from Sagar Uprety, Ocean Technology Limited to John Carlin, Acting Assistant Attorney General, National Security Division, U.S. Department of Justice, dated July 9, 2013. A copy of the letter may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for File No. ITC-214-20121210-00323 and accessing the “other filings related to this application” from the Document Viewing area.

⁴ *Executive Branch July 1, 2015 Letter* at 1.

⁵ *Ocean July 2013 International Authorization*, 28 FCC Rcd at 10917.

conditions of its authorization. This Public Notice is being published in the Federal Register. Ocean must respond to this Public Notice no later than 15 days after publication in the Federal Register.

In addition, the Bureau is serving it upon Ocean by mail, return receipt requested, at the last addresses of record which appears in Commission records.⁶ Ocean should send its response to Denise Coca, Chief, Policy Division, International Bureau via email at Denise.Coca@fcc.gov and file it in File No. **ITC-214-20121210-00323** via IBFS at <http://licensing.fcc.gov/myibfs/pleading.do>. Ocean should also email a copy to Cara Grayer, Policy Division, International Bureau at Cara.Grayer@fcc.gov.

The proceeding in this Public Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).⁸ Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Cara Grayer, Policy Division, International Bureau, (202) 418-2960 or Cara.Grayer@fcc.gov.

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⁶ After having received an international 214 authorization, a carrier is responsible for the continuing accuracy of the information provided to the Commission in its application and must promptly correct information no longer accurate. 47 C.F.R. § 63.21(a). In addition, section 413 of the Communications Act requires every carrier to designate an agent for service. 47 U.S.C. § 413; *see also* 47 C.F.R. §§ 1.47(h) and 64.1195. There is no record of Ocean having filed information required by these rules subsequent to receiving its section 214 authorization. The International Bureau is serving this Public Notice at the last address of records provided by Ocean in its international section 214 application and in compliance with Commission rules implementing section 413.

⁷ 47 C.F.R. §§ 1.1200 *et seq.*

⁸ 47 C.F.R. § 1.1206(b).