



October 7, 2014

Elaine N. Lammert
Deputy General Counsel
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue, NW
Washington, DC 20535

Re: Pending Application by COMMKONEKT, LLC for Authorization
Under Section 214 of the Communications Act of 1934
FCC ITC-214-20140726-00204

Dear Ms. Lammert:

This letter outlines the commitments made by COMMKONEKT, LLC to the Federal Bureau of Investigation (FBI) in order to address national security, law enforcement, and public safety concerns raised with regard to COMMKONEKT's application to the Federal Communications Commission (FCC) for authority to provide resale service to all authorized international points under Section 214 of the Communications Act of 1934.

COMMKONEKT agrees that it will inform FBI at least 60 days in advance if its business model changes to provide services to residential customers in the US or to enterprise and business customers the US. COMMKONEKT confirms that before it begins providing telecommunications services that are subject to the Communications Assistance for Law Enforcement Act (CALEA), it will implement a solution or solutions for lawfully authorized electronic surveillance for such services in compliance with CALEA and its implementing regulations.


If COMMKONEKT begins to provide telecommunications services to residential, business, or enterprise customers in the US, the company agrees to maintain a point of contact in the US, preferably a US citizen or Lawful Permanent Resident, to receive service of process for US records and to support US law enforcement agencies' lawful requests for assistance and surveillance needs. This point of contact will be provided to FBI at least 30 days prior to the date that COMMKONEKT begins to provide these services, and is subject to the FBI's non-objection.

COMMKONEKT also agrees that it will comply with all other statutes, regulations, and requirements regarding electronic surveillance.

COMMKONEKT 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), COMMKONEKT will store either originals or copies in the U.S. COMMKONEKT 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.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. COMMKONEKT also agrees to ensure that U.S. Records are not made subject to mandatory destruction under any foreign laws.

COMMKONEKT agrees that it will not, directly or indirectly, disclose or permit disclosure of or access to U.S. Records, domestic communications, or any information (including the content of communications) pertaining to a wiretap or electronic surveillance order, pen/trap order, subpoena, or other lawful demand by a U.S. law enforcement agency for U.S. Records or lawfully authorized electronic surveillance in response to legal process or a 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. 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 U.S. Any such requests or legal process submitted by a non-U.S. government to COMMKONEKT shall be referred to DOJ as soon as possible, and in no event later than five business days after such request or legal process is received by or known to COMMKONEKT, unless the 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.

COMMKONEKT agrees that in the event the commitments set forth in this letter are breached, FBI may request, in addition to any other remedy available at law or equity, that the FCC modify, condition, revoke, cancel, or render null and void any relevant license, permit, or other authorization granted by the FCC to COMMKONEKT or any successor-in-interest. Nothing herein shall be construed to be a waiver by COMMKONEKT of, or limitation on, its right to oppose or comment on any such request.

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

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


The Company can send all notices pursuant to this letter to:

¹ This statement does not supersede or replace COMMKONEKT'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.

Unit Chief, Science and Technology Policy and Law Unit
Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Room 7350
Washington, DC 20535

Courtesy electronic copies of all notices and communications should also be sent to Jonathan Frenkel of the FBI (at jonathan.frenkel@ic.fbi.gov).

Sincerely,



A handwritten signature in red ink, appearing to read 'Carlos D Jesus Mendoza Trava', written over a horizontal line.

Name: Carlos D Jesus Mendoza Trava
Title: Manager

For COMMKONEKT