

AMAYSIM USA INC

1301 5TH AVENUE
SUITE 2600
SEATTLE, WA 98101

March 11, 2014

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

Re: Pending application by amaysim USA Inc. for authority to provide international facilities-based and resold services to all international points.

FCC file number: ITC-214-20131022-00278

Dear Mr. Carlin:

This letter outlines the commitments being made by amaysim USA Inc. (amaysim) to the U.S. Department of Justice (DOJ) in order to address national security, law enforcement, and public safety concerns raised with regard to the company's application to the Federal Communications Commission (FCC) seeking FCC authority to provide international facilities-based and resold services to all international points.

amaysim is a Delaware telecommunications company owned by amaysim Australia Pty, Limited, which is amaysim's parent company. amaysim's headquarters are located at 1301 5th Avenue, Suite 2600, Seattle, Washington 98006.

amaysim agrees that it will inform DOJ at least 60 days in advance if it becomes an enhanced mobile virtual network operator (MVNO) or otherwise becomes a facilities-based provider. Upon providing enhanced MVNO services or becoming a facilities-based provider, amaysim will comply with all applicable lawful interception statutes, regulations, and requirements, including the Communications Assistance for Law Enforcement Act (CALEA) and its implementing regulations, and will comply with all court orders and other legal process for lawfully authorized electronic surveillance. amaysim will certify that it is compliant with CALEA no more than 60 days following its notice to DOJ that it will become an enhanced MVNO in the U.S. or becomes a facilities-based provider. Upon completion of the implementation of lawful interception capabilities, amaysim will request that the FBI send its CALEA Implementation Unit to conduct a CALEA-compliance test. amaysim understands that its failure to fulfill its obligations under this paragraph could constitute a breach of its commitments to DOJ.

Moreover, if amaysim becomes an enhanced MVNO in the U.S. or becomes a facilities-based provider, the company agrees to maintain a point of contact (POC) in the U.S., preferably a U.S.

citizen, to receive service of process for U.S. records and to assist and support lawful requests for surveillance by U.S. federal, state, and local law enforcement agencies. The name of and contact information for this POC will be provided to DOJ at least 60 days prior to the date that amaysim begins to provide these services to residential end users, businesses, and enterprise customers and will be subject to DOJ approval. amaysim also agrees to provide DOJ at least 30 days prior notice of any change to this POC.

Upon becoming an enhanced MVNO or becoming a facilities-based provider, amaysim agrees to provide annual reports to DOJ summarizing the information requested above and informing the DOJ of the occurrence and status of all lawful surveillance request cases for call content and call data, including but not limited to the date on which the request was made of amaysim, the date of compliance with that request and/or the status of completion of that request. amaysim will also include in this annual report (a) any changes in the services that amaysim provides, as described in paragraph 4, above; (b) any relationships with foreign-owned telecommunications partners, including any peer relationships; (c) the installation and/or purchase or lease of any foreign manufactured telecommunication equipment (including, but not limited to, switches, routers, software, hardware); (d) reports of any occurrences of cyber security incidences, network and enterprise breaches, and unauthorized access to customer data and information; (e) the name of and contact information for the current POC; and (f) the status of amaysim's compliance with CALEA requirements. These annual reports will be due on January 31 of each calendar year, beginning January 31 of the year following that within which amaysim becomes an enhanced MVNO operator in the U.S. or becomes a facilities-based provider, and should be addressed to the following:

Assistant Attorney General for National Security
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
Attn.: Team Telecom, Foreign Investment Review Staff
Electronic mail: ttelecom@usdoj.gov

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 the following: Siobhan Dupuy of the DOJ (at siobhan.dupuy@usdoj.gov) and Jonathan Frenkel of the FBI (at jonathan.frenkel@ic.fbi.gov).

amaysim 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 call content and call data) pertaining to a wiretap order, pen/trap and trace order, subpoena, or any other lawful request by a U.S. law enforcement agency 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. The term “non-US 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 for legal process submitted by a non-U.S. government to amaysim shall be referred to DOJ as soon as possible, but in no event later than five business days after such request or legal process is received by or made known to amaysim 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.

amaysim also agrees to ensure that U.S. records are not made subject to mandatory destruction under any foreign laws. 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 amaysim anticipates generating U.S. records.

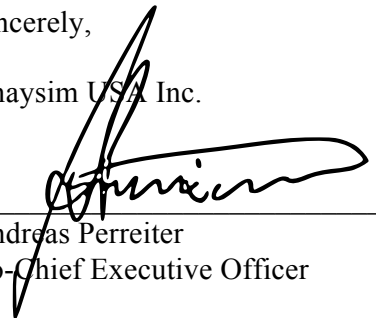
amaysim agrees that in the event the commitments set forth in this letter are breached, in addition to any other remedy available at law or equity, DOJ may request that the FCC modify, condition, revoke, cancel, or render null and void any relevant license, permit, or other authorization granted by the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

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

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

Sincerely,

amaysim USA Inc.



Andreas Perreiter
Co-Chief Executive Officer