

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

iTellum, Ltd.)

Application for authorization under Section)
214 of the Communications Act of 1934, as)
amended)

ITC-214-20131121-00317

**PETITION TO ADOPT CONDITIONS TO
AUTHORIZATIONS AND LICENSES**

The Department of Justice (“DOJ”) and the Department of Homeland Security (“DHS”)(“the Agencies”) submit this Petition to Adopt Conditions to Authorizations and Licenses (“Petition”), pursuant to Section 1.41 of the Federal Communications Commission (“Commission”) rules.¹ Through this Petition, the Agencies advise the Commission that they have no objection to the Commission approving the authority sought in the above-referenced proceeding, provided that the Commission conditions its approval on the assurance of iTellum, Ltd. (“iTellum”) to abide by the commitments and undertakings set forth in the June 16, 2014 Letter of Assurances (“LOA”), which is attached hereto. The above-referenced proceeding involves an application filed with the Commission by iTellum for authority under section 214 of the Communications Act of 1934, as amended, to provide facilities based and resale services between the United States and permissible international points.

The Commission has long recognized that law enforcement, national security, and public safety concerns are part of its public interest analysis, and has accorded deference to the views of other U.S. government agencies with expertise in those areas. *See In the Matter of Comsat*

¹ 47 C.F.R. § 1.41.

Corporation d/b/a Comsat Mobile Communications, etc., 16 FCC Rcd. 21,661, 21707 ¶ 94 (2001).

After discussions with representatives of iTellum in connection with the above-referenced proceeding, the Agencies have concluded that the additional commitments set forth in the LOA will help ensure that the Agencies with responsibility for enforcing the law, protecting the national security, and preserving public safety, can proceed appropriately to satisfy those responsibilities. Accordingly, the Agencies advise the Commission that they have no objection to the Commission granting the application in the above-referenced proceeding, provided that the Commission conditions its consent on compliance with the LOA.

Respectfully submitted,

/S/ Richard C. Sofield
Richard C. Sofield
U.S. Department of Justice
Director - Foreign Investment Review Staff
National Security Division
Bicentennial Building
600 E Street, NW, Rm 10000
Washington, D.C. 20004

July 22, 2014

June 16, 2014

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

Re: Pending applications by Telediga, LTD and iTellum, LTD, two Costa Rican companies seeking FCC authority to provide VoIP and calling card services, Global or Limited Global Facilities-Based Services and Global or Limited Global Resale Services.

FCC file numbers: ITC-214-20131121-00319 & ITC-214-20131121-00317

Dear Mr. Carlin,

This letter outlines the commitments being made by Telediga, LTD (Telediga) and iTellum, LTD (iTellum) 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 applications to the Federal Communications Commission (FCC) seeking FCC consent to provide VoIP and calling card services, including global or limited global facilities-based authority under Section 63.18(e)(1) and global or limited global resale authority under Section 63.18(e)(2).

Telediga and iTellum are Costa Rican companies owned 100 percent by Tim Foss, a US citizen. Telediga's headquarters are located at Mercedes, Barrio Dent, Calle 5, #39, Montes de Oca, Costa Rica. iTellum's headquarters are located at Centro Corporativo Plaza Roble, Edificio El Portico, Tercer piso, oficina tres, Escazu, Costa Rica.

Telediga and iTellum each agree that it will inform DOJ at least 60 days in advance if it provides interconnected VoIP services, calling card services, international facilities-based and resold services to international points, including residential users, businesses, and enterprises in the U.S. or becomes a facilities-based provider. Moreover, if Telediga and/or iTellum begin to provide interconnected VoIP/VoP in the U.S. or becomes a facilities-based provider, the company agrees to maintain a Point of Presence (POP) and 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 30 days prior to the date that Telediga and/or iTellum begins to provide these services to residential end users, businesses, and enterprise customers and the nominated POC will be subject to DOJ approval. Telediga and iTellum also agree to provide DOJ at least 30 days prior notice of any change to this POC, and agree that DOJ approval will be required for such change.

Also, upon providing international facilities-based, resold services, interconnected VoIP services or becoming a facilities-based provider, Telediga and iTellum agree that each 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. Telediga and iTellum will provide DOJ with a report on the status of its implementation of lawful interception capabilities, including the status of its compliance with CALEA, within sixty (60) days after the date on which it notifies DOJ that it plans to provide international facilities-based, resold services, interconnected VoIP services or become a facilities-based provider, and every thirty (30) days thereafter up until the time when Telediga and/or iTellum has fully implemented lawful interception capabilities.

Upon providing international facilities-based, resold services, interconnected VoIP services or becoming a facilities-based provider, Telediga and iTellum agree 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 Telediga and iTellum, the date of compliance with that request and/or the status of completion of that request. Telediga and iTellum will also include in this annual report (a) any changes in the services that Telediga and iTellum 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 incidents, 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 Telediga's and iTellum'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 Telediga and/or iTellum begin providing international facilities-based, resold services, interconnected VoIP services 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 also should be sent to the following: Mark McConnell and Joanne Ongman of the DOJ (at mark.mcconnell@usdoj.gov and joanne.ongman@usdoj.gov) and Jonathan Frenkel of the FBI (at jonathan.frenkel@ic.fbi.gov).

Telediga and iTellum each agree 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 Telediga 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 Telediga 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.

Telediga and iTellum each agree 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 and associated physical and logical security policies will be provided to DOJ at least 30 days in advance of the time in which Telediga and/or iTellum anticipates generating U.S. records, or, in the alternative, within 10 days of such records are generated, whichever date occurs first.

Telediga and iTellum each agree to provide DOJ at 30 days in advance of actual operations a copy of Telediga's and iTellum network architecture topologies and architecture interconnect diagrams, and Cost Of Goods Sold (COGS). Additionally, Telediga and iTellum each agree to provide DOJ annual updates to these network architecture diagrams.

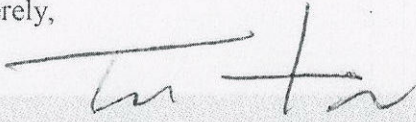
Telediga and iTellum each agree to on-site inspections of its compliance with provisions set forth in this LOA, and agree to provide access to personnel with knowledge of operational policies necessary to compliance with the LOA, as well as personnel who are knowledge of technical operations.

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


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

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

Sincerely,

X 

Tim Foss, President
Telediga, LTD

X 

Tim Foss, President
iTellum, LTD