



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA No. 14-76

Report No. TEL-01653

Thursday January 23, 2014

International Authorizations Granted

Section 214 Applications (47 C.F.R. § 63.18); Section 310(b) Requests

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b).

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see Section 1.4(b)(2)).

An updated version of Sections 63.09–.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>.

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

Petition for Declaratory Ruling
Grant of Authority

Date of Action: 01/17/2014

BFI Licenses, LLC ("BFI" or the "Petitioner") filed a petition for declaratory ruling ("Petition") asking the Commission to allow BFI to exceed the 25 percent foreign ownership benchmark set forth in section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"). BFI states that it holds numerous FCC licenses, including licenses classified as common carrier in the fixed point-to-point microwave and local television transmission services, as well as several common carrier fixed-satellite service earth stations. The Petition is being filed in connection with the proposed exercise of warrants that would increase the foreign ownership of BFI's indirect, controlling U.S.-organized parent company, Encompass Digital Media Group, Inc. ("EDMG"), above 25 percent.

BFI is a Delaware limited liability company. BFI is and will remain a wholly-owned subsidiary of Encompass Digital Media, Inc. ("Encompass"), which is, in turn, wholly owned by EDMG. Encompass and EDMG are both organized in Delaware. Petitioner states that CSC Encompass Holdings, LLC ("CSC Holdings"), a Delaware limited liability company, holds a controlling, 84.62 percent equity and voting interest in EDMG. CSC Holdings is an investment holding company managed by investment professionals at Court Square Capital Partners ("Court Square"), a New York private equity firm. The remaining 15.38 percent of EDMG is owned by individual investors and managers, almost all of whom are U.S. citizens and none of whom holds a 10 percent or greater interest in EDMG.

The sole managing member of CSC Holdings is Court Square Capital GP, LLC (the "CSC GP"), a Delaware limited liability company which has the exclusive right to vote CSC Holdings' controlling interest in EDMG. CSC GP is owned and controlled by the investment professionals at Court Square, each of whom is a U.S. citizen. No member of CSC GP holds a 10 percent or greater interest in EDMG. CSC GP is managed and controlled by a Board of Managers ("Board"), comprised of U.S. individuals who will continue to serve on the Board so long as they remain investment professionals at Court Square. Decisions of the Board, including designation of replacement members, are made by majority vote.

CSC GP is also the sole general partner of two Court Square managed investment funds - Court Square Capital Partners II, L.P. ("CSC Fund II") and Court Square Capital Partners (Executive) II, L.P. ("CSC Executive II") - both of which are organized in Delaware and together hold 94.53 percent of CSC Holdings' equity interests. MIHI, LLC ("MIHI"), a Delaware limited liability company, holds 5.46 percent equity interest in CSC Holdings. Upon conversion of warrants issued to two additional Court Square managed funds - Court Square Capital Partners (Offshore) II, L.P. ("CSC Offshore II"), organized in the Cayman Islands, and Court Square Capital Partners II-A, L.P. ("CSC Fund II-A"), organized in Delaware - investment fund equity in CSC Holdings will be held approximately as follows: CSC Offshore II (24.58%); CSC Fund II-A (15.49%); CSC Fund II (55.58%); CSC Executive II (1.06%); and MIHI (3.27%). Petitioner states that no fund investor holds a 10 percent or greater direct or indirect interest in CSC Holdings and that all fund investors are strictly passive, with no right to vote or otherwise participate in the management of the respective fund in which they hold an interest.

The Petitioner calculates that, as a result of foreign equity interests held in the Court Square funds (and treating all equity investment in MIHI as foreign, because it is unidentifiable), foreign equity ownership of CSC Holdings upon conversion of the warrants would be 49.30 percent, representing a 41.72 percent foreign equity interest (49.30% x 84.62%) and a 49.30 percent foreign voting interest in BFI's indirect controlling U.S. parent, EDMG. Petitioner states that an additional 2.33 percent of EDMG's equity and voting interests are and would continue to be held directly in EDMG by foreign individuals, resulting in total foreign equity and voting interests held directly and indirectly (through CSC Holdings) in EDMG of 44.05 (41.72% + 2.33%) percent and 51.63 (49.30% + 2.33%) percent, respectively. The Petitioner asserts that allowing the widely dispersed, insulated, indirect, non-controlling foreign investment described in its Petition is consistent with the public interest standard of section 310(b)(4) of the Act.

We note that Petitioner bases its calculations of CSC Holdings' foreign equity and voting interests on the amount of foreign equity in each of the funds investing in CSC Holdings. The calculation of foreign voting interests does not take into account that one of the funds - CSC Offshore II - is itself a foreign-organized entity, and the Petition does not expressly address whether the fund satisfies the insulation criteria of section 1.993 of the Commission's rules. Petitioner has nonetheless demonstrated that CSC GP is the sole general partner of CSC Offshore II and that the exclusive right to vote CSC Holdings' controlling interest in EDMG resides with the investment professionals at Court Square, each of whom is a U.S. citizen. Petitioner has also demonstrated that CSC Offshore II's foreign investors are properly insulated under the Commission's rules. We are thus satisfied that the foreign ownership interests described in the Petition are consistent with the public interest.

Pursuant to the rules and policies established by the Commission's Foreign Ownership Second Report and Order, FCC 13-50, 28 FCC Rcd 5741 (2013), we find that the public interest would not be served by prohibiting foreign ownership of BFI in excess of the 25 percent benchmark in section 310(b)(4) of the Act. Specifically, this ruling permits aggregate foreign ownership of BFI License's controlling U.S. parent company, EDMG, to exceed, directly and/or indirectly, 25 percent of its equity and/or voting interests, subject to the terms and conditions set forth in section 1.994 of the Commission's rules, 47 C.F.R. § 1.994, including the requirement to obtain Commission approval before BFI's foreign ownership exceeds the terms and conditions of this ruling.

BFI has an affirmative duty to monitor its foreign equity and voting interests, calculate these interests consistent the attribution principles enunciated by the Commission, including the standards and criteria set forth in sections 1.992 through 1.993 of the Commission's rules, 47 C.F.R. §§ 1.992-1.993, and otherwise ensure continuing compliance with the provisions of section 310(b) of the Act.

This declaratory ruling is without prejudice to the Commission's action on any other related pending application(s).

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Grant of Authority

Date of Action: 01/09/2014

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

ITC-214-20131219-00348 E Mobile Net POSA, Inc. d/b/a Jolt Mobile and Expo Mobile
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 01/17/2014

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

ITC-214-20131230-00347 E TAG Mobile, LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action: 01/17/2014

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

ITC-ASG-20140107-00005 E SureWest Kansas, Inc. f/k/a Everest Broadband, Inc.
Assignment
Grant of Authority Date of Action: 01/22/2014

Current Licensee: SureWest Kansas Operations, LLC

FROM: SureWest Kansas Operations, LLC

TO: SureWest Kansas, Inc. f/k/a Everest Broadband, Inc.

Notification filed January 7, 2014, of the pro forma assignment of international section 214 authorization, ITC-214-20060106-00007, held by SureWest Kansas Operations, LLC (SWKS Operations) to its 100% parent of SureWest Kansas, Inc. (SureWest Kansas), effective December 31, 2013. In an intra-corporate transaction, SWKS Operations merged with and into SureWest Kansas, with SureWest Kansas being the surviving entity.

ITC-ASG-20140109-00007 E Equivoice Holdings, Inc.
Assignment
Grant of Authority Date of Action: 01/22/2014

Current Licensee: Equivoice, Inc.

FROM: Equivoice, Inc.

TO: Equivoice Holdings, Inc.

Notification filed January 9, 2014, of the pro forma assignment of international section 214 authorization, ITC-214-20051102-00446, held by Equivoice, Inc. (Equivoice) to Equivoice Holdings, Inc. (Equivoice Holdings), effective January 1, 2014. In a corporate reorganization, the owners of Equivoice formed Equivoice Holdings as the 100% parent of Equivoice and then assigned the international 214 authorization to Equivoice Holdings.

ITC-T/C-20131126-00332 E Keystone Wireless, LLC
Transfer of Control
Grant of Authority Date of Action: 01/22/2014

Current Licensee: Keystone Wireless, LLC

FROM: Keystone Wireless, LLC

TO: Limitless Mobile Holdings, LLC

Notification filed November 26, 2013, of the pro forma transfer of control of international section 214 authorization, ITC-214-20100525-00214, held by Keystone Wireless, LLC (Keystone), from Keystone Investco, LLC (Investco) to Limitless Mobile Holdings, LLC (Limitless), effective November 1, 2013. Pursuant to a corporate reorganization, Investco was removed from the corporate structure and replaced by Limitless. At all times prior to and after the reorganization, Robert Martin, Linda Martin, The Martin 2002 Revocable Trust (Robert Martin Trustee), Richard Worley, and Sara Miller Coulson (the "Keystone Investors") owned and controlled Keystone. The Keystone Investors hold a direct controlling interest in Keystone (51%). The Keystone Investors also hold a controlling interest in Limitless (54%), which also holds the remaining 49% interest in Keystone. The remaining 46% membership interests in Limitless are held by 16 individuals and entities, none of which holds a ten percent or greater direct or indirect equity or voting interest in Keystone.

Transfer of Control

Grant of Authority

Date of Action: 01/17/2014

Current Licensee: Lakefield Communications, Inc.

FROM: Lakefield Telecom, Inc.

TO: Northeast Communications of Wisconsin, Inc.

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-19961112-00570, held by Lakefield Communications, Inc. (LCI), from its 100% parent, Lakefield Telecom, Inc. (Lakefield), to Northeast Communications of Wisconsin, Inc. d/b/a Nsight Teleservices (Nsight). The transaction will be accomplished by the merger of Lakefield Acquisition II, Inc., a newly formed Wisconsin corporation that is wholly owned by Nsight, with and into Lakefield, with Lakefield emerging as the surviving entity. Upon closing, Lakefield and LCI will be the direct and indirect wholly-owned subsidiaries of Nsight, respectively.

The following individuals and entity, all U.S. citizens, hold 10% or greater ownership interests in Nsight: Patrick D. Riordan (equity 14.98%; voting 16%), Robert H. Riordan (equity 11.32%; voting 12.10%), and Tailwind Capital Partners (equity 13.64%; voting 14.57%). Patrick D. Riordan and Robert H. Riordan are siblings, and the specified equity and voting interests represent the total ownership and voting interests attributable to themselves and to their immediate families (spouses and children). Patrick D. Riordan is the only single family member that owns or votes a 10% or greater interest. The managing/general partners of Tailwinds Capital Partners are: David S. Bauman, Jeffrey M. Calhoun, James S. Hoch, Geoffrey S. Raker, Frank V. Sica, Lawrence B. Sorrel, and Adam F. Stulberger, all U.S. citizens. No other individual or entity holds a ten percent or greater direct or indirect equity or voting interest in Nsight.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

SURRENDER

ITC-214-19980224-00140

Zayo Group, LLC

By letter filed August 28, 2013, Applicant notified the Commission of the Surrender of its international section 214 authorization.

ITC-214-20100827-00347

Zayo Group, LLC

By letter filed August 28, 2013, Applicant notified the Commission of the Surrender of its international section 214 authorization.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is attached to this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>. It also will be attached to each Public Notice that grants international Section 214 authority.

(2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.

(3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.

(4) Carriers shall comply with the Commission's International Settlements Policy and associated filing requirements contained in Sections 43.51, 64.1001 and 64.1002 of the Commission's Rules, 47 C.F.R. §§ 43.51, 64.1001, 64.1002. The Commission modified these requirements most recently in International Settlements Policy Reform: International Settlement Rates, First Report and Order, FCC 04-53, 19 FCC Rcd 5709 (2004). In addition, any carrier interconnecting private lines to the U.S. public switched network at its switch, including any switch in which the carrier obtains capacity either through lease or otherwise, shall file annually with the Chief, International Bureau, a certified statement containing, on a country-specific basis, the number and type (e.g., 64 kbps circuits) of private lines interconnected in such manner. The Commission will treat the country of origin information as confidential. Carriers need not file their contracts for interconnection unless the Commission specifically requests. Carriers shall file their annual report on February 1 (covering international private lines interconnected during the preceding January 1 to December 31 period) of each year. International private lines to countries which the Commission has exempted from the International Settlements Policy at any time during a particular reporting period are exempt from this requirement. See 47 C.F.R. § 43.51(d). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at http://www.fcc.gov/ib/pd/pf/isp_exempt.html.

(5) Carriers authorized to provide private line service either on a facilities or resale basis are limited to the provision of such private line service only between the United States and those foreign points covered by their referenced applications for Section 214 authority. A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 C.F. R. § 63.23(d).

(6) A carrier may engage in "switched hubbing" to countries that do not appear on the Commission's list of U.S. international routes that are exempt from the International Settlements Policy, set forth in Section 64.1002, 47 C.F.R. § 64.1002, provided the carrier complies with the requirements of Section 63.17(b) of the rules, 47 C.F.R. § 63.17(b). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at http://www.fcc.gov/ib/pd/pf/isp_exempt.html.

(7) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.

(8) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.

(9) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a). Carriers shall also file the quarterly reports required by Section 43.61 in the circumstances specified in paragraphs (b) and (c) of that Section.

(10) Carriers shall file annual reports of circuit status and/or circuit additions in accordance with the requirements set forth in Rules for Filing of International Circuit Status Reports, CC Docket No. 93-157, Report and Order, 10 FCC Rcd 8605 (1995). See 47 C.F.R. § 43.82. See also §§ 63.22(e), 63.23(e). These requirements apply to facilities-based carriers and private line resellers, respectively. See also <http://www.fcc.gov/ib/pd/pf/csmanual.html>.

(11) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. Further, the grant of these applications shall not be construed to include authorization for the transmission of money in connection with the services the applicants have been given authority to provide. The transmission of money is not considered to be a common carrier service.

(12) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(13) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.

(14) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). In addition, the facilities listed shall not be used by U.S. carriers authorized under Section 63.18 of the Commission's Rules unless the carrier's Section 214 authorization specifically lists the facility. Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See 47 C.F.R. § 63.22(c).

Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice, DA 10-112, dated January 21, 2010, "Modification of Process to Accept Applications for Service to Cuba and Related Matters.")

Facilities:

All non-U.S.-licensed satellite systems that are not on the Permitted Space Station List, maintained at <http://www.fcc.gov/ib/sd/se/permitted.html>. See International Bureau Public Notice, DA 99-2844 (rel. Dec. 17, 1999).

This list is subject to change by the Commission when the public interest requires. Before amending the list, the Commission will first issue a public notice giving affected parties the opportunity for comment and hearing on the proposed changes. The Commission may then release an order amending the exclusion list. This list also is subject to change upon issuance of an Executive Order. See Streamlining the Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, FCC 96-79, 11 FCC Rcd 12,884, released March 13, 1996 (61 Fed. Reg. 15,724, April 9, 1996). A current version of this list is maintained at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>.

For additional information, contact the International Bureau's Policy Division, (202) 418-1460.