

January 23, 2015

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

Re: Pending application by America Net Communication, LLC ("America Net") for authorization under Section 214 of the Communications Act of 1934, as amended (FCC file number ITC-214-20140522-00160).

Dear Unit Chief:

This Letter of Agreement ("LOA" or "Agreement") outlines the commitments being made by America Net to the Federal Bureau of Investigation ("FBI"), which is part of the U.S. Department of Justice ("DOJ"), in order to address national security, law enforcement, and public safety concerns raised with regard to America Net's application to the Federal Communications Commission ("FCC" or "Commission") requesting authority to provide global or limited global facilities-based service or global or limited-global resale services between the U.S. and all authorized points (47 C.F.R. §§ 63.18(e)(1) and (e)(2)) under Section 214 of the Communications Act of 1934, as amended.

America Net, a Florida corporation is affiliated with America Net Ltda., (ANL) a foreign carrier (VoIP) provider that offers telecom services in Brazil. America Net intends to offer international VoIP termination services between the US and all authorized international points. America Net is headquartered at 8333 NW 53rd Street, Suite 413, Doral, Florida 33166.

America Net acknowledges that types of services it may offer, including facilities-based services or interconnected Voice over Internet Protocol (VoIP) services are covered by the Communications Assistance for Law Enforcement Act ("CALEA"), 47 U.S.C. §§ 1001-1010, and its implementing regulations. Should America Net offer telecommunication services that are subject to CALEA, America Net will implement a solution or solutions for lawfully authorized electronic surveillance for such services in compliance with CALEA and its implementing regulations and will comply with all court orders and other legal process for lawfully authorized electronic surveillance.

Prior to offering telecommunication services that are subject to CALEA, America Net will provide FBI with a report on the status of its implementation of lawful interception capabilities, including the status of its compliance with CALEA every ninety (90) days until the time that America Net has fully implemented lawful-interception capabilities.⁴

⁴ America Net may use a U.S. Trusted Third Party outsourcing partner to implement its lawful intercept capability.



Upon completion of the development of its lawful interception capabilities, America Net will request that the FBI send its CALEA Implementation Unit to conduct a CALEA compliance test.¹ Once a compliance test is scheduled, America Net will provide notice of the scheduled date. America Net will continue to maintain such lawful interception capabilities for the duration of the time it provides services subject to CALEA. America Net also agrees that it will comply with all other statutes, regulations, and requirements regarding electronic surveillance.

America Net 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 the FBI at least 30 days prior to the date that America Net begins to provide services subject to CALEA.

America Net 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), America Net will store either originals or copies in the U.S. America Net 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.² 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. America Net also agrees to ensure that U.S. Records are not made subject to mandatory destruction under any foreign laws.

America Net 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 America Net 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 America Net, 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.

America Net 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

¹ A request can be made by contacting the general helpdesk for the CALEA Implementation Unit at (855) LECALEA (532-2532).

² This statement does not supersede or replace America Net'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.



modify, condition, revoke, cancel, terminate, or render null and void any relevant license, permit, or other authorization granted by the FCC to America Net or any successor-in-interest. Nothing herein shall be construed to be a waiver by America Net of, or limitation on, its right to oppose or comment on any such request.

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

America Net understands that, upon execution of this letter by an authorized representative or attorney for America Net, 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:

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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,



Name: Oziel Souza
Title: Country Manager

For America Net Communication, LLC

