

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

In the Matter of)
)
)
Emsitel LLC)
Application for authorization under Section) ITC-214-20140702-00194
214 of the Communications Act of 1934, as)
amended)
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)
)
)

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

The Federal Bureau of Investigation (“FBI”), a component of the U.S. Department of Justice, submits 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 FBI advises the Commission that it has 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 Emsitel LLC (“Emsitel”) to abide by the commitments and undertakings set forth in the April 13, 2015 Letter of Agreement (“LOA”), which is attached hereto.

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

¹ 47 C.F.R. § 1.41.

After discussions with representatives of Emsitel in connection with the above-referenced proceeding, the FBI has concluded that the additional commitments set forth in the LOA will help ensure that the FBI, which has the responsibility of enforcing the law, protecting the national security, and preserving public safety, can proceed appropriately to satisfy those responsibilities. Accordingly, the FBI advises the Commission that it has 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
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

April 23, 2015



April 13, 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 Emsitel, LLC (“Emsitel”) for authorization under Section 214 of the Communications Act of 1934, as amended (FCC file number ITC-214-20140702-00194).

Dear Unit Chief:

This Letter of Agreement (“LOA” or “Agreement”) outlines the commitments being made by Emsitel 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 Emsitel’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.

Emsitel, a Florida corporation with headquarters in Naples, Florida, intends to resell telecommunication services between the US and all authorized international points. Emsitel is headquartered at 11983 Tamiami Trail, North Suite 111, Naples, Florida 34110.

Emsitel confirms that it will comply with all applicable lawful interception statutes, regulations, and requirements, including the Communications Assistance for Law Enforcement Act (“CALEA”), 47 U.S.C. 1001 et seq., and its implementing regulations, and will comply with all court orders and other legal process for lawfully authorized electronic surveillance. Upon completion of the development of its lawful interception capabilities, Emsitel will request that the FBI send its CALEA Implementation Unit to conduct a CALEA compliance test.¹ Once a compliance test is scheduled, Emsitel will provide notice of the scheduled date. Emsitel will continue to maintain such lawful interception capabilities for the duration of the time it provides services subject to CALEA.² Emsitel also agrees that it will comply with all other statutes, regulations, and requirements regarding electronic surveillance.

Emsitel 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 and his/her contact information will be provided to the FBI at least 30 days prior to the date that Emsitel begins to provide services, and will be subject to FBI approval. Emsitel also

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

² Emsitel may use a U.S. Trusted Third Party outsourcing partner to implement its lawful intercept capability.

agrees to provide DOJ at least 30 days prior notice of any change to this POC, with all such changes also subject to FBI approval.

Emsitel also agrees that its designated law enforcement point of contact will have access to, and will make 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) available promptly and in any event no later than five business days, in the U.S. in response to lawful U.S. process.³ 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. Emsitel also agrees to ensure that U.S. Records are not made subject to mandatory destruction under any foreign laws.

Emsitel 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 Emsitel 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 Emsitel, 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.

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

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

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

³ This statement does not supersede or replace Emsitel'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.



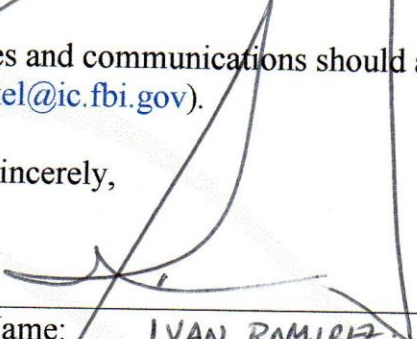


The Company can send all notices pursuant to this letter to:

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,


Name: IVAN RAMIREZ
Title: MANAGER

For Emsitel, LLC