

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

In the Matter of)
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)
011 Now Technologies, LLC)
Application for authorization under Section) ITC-214-20140716-00202
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 011 Now Technologies (“011 Now”) to abide by the commitments and undertakings set forth in the March 2, 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 011 Now 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 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

March 31, 2015



March 2, 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 011Now Technologies, LLC (“011Now”) for authorization under Section 214 of the Communications Act of 1934, as amended (FCC file number ITC-214-201400716-00202).

Dear Unit Chief:

This Letter of Agreement (“LOA” or “Agreement”) outlines the commitments being made by 011Now 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 011Now’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.

011Now, a Delaware corporation with headquarters in Edgewater, New Jersey, intends to provide international calling card services to its customers between the US and all authorized international points. 011Now has a business address of 725 River Road, Suite 32-280, Edgewater, New Jersey 07020.

011Now 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, 011Now will request that the FBI send its CALEA Implementation Unit to conduct a CALEA compliance test.¹ Once a compliance test is scheduled, 011Now will provide notice of the scheduled date. 011Now will

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

continue to maintain such lawful interception capabilities for the duration of the time it provides services subject to CALEA.² 011Now also agrees that it will comply with all other statutes, regulations, and requirements regarding electronic surveillance.

011Now 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.

Upon completion of the development of its lawful interception capabilities, 011Now will request that the FBI send its CALEA Implementation Unit to conduct a CALEA compliance test.³ Once a compliance test is scheduled, 011Now will provide notice of the scheduled date. 011Now will continue to maintain such lawful interception capabilities for the duration of the time it provides services subject to CALEA. 011Now also agrees that it will comply with all other statutes, regulations, and requirements regarding electronic surveillance.

011Now 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 011Now begins to provide services, and will be subject to FBI approval. 011Now also 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.

011Now 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.⁴ 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. 011Now also agrees to ensure that U.S. Records are not made subject to mandatory destruction under any foreign laws.

011Now 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

² 011Now may use a U.S. Trusted Third Party outsourcing partner to implement its lawful intercept capability.

³ A request can be made by contacting the general helpdesk for the CALEA Implementation Unit at (855) LECALIA (532-2532).

⁴ This statement does not supersede or replace 011Now'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.

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 011Now 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 011Now, 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.

011Now 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 011Now or any successor-in-interest. Nothing herein shall be construed to be a waiver by 011Now of, or limitation on, its right to oppose or comment on any such request.

Nothing in this letter is intended to excuse 011Now from its obligations to comply with any and all applicable legal requirements and 011Now, including any and all applicable statutes, regulations, requirements, or orders.

011Now understands that, upon execution of this letter by an authorized representative or attorney for 011Now, 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:

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: Sergey Nizhegorodtsev
Title: CEO
For 011Now Technologies, LLC