

## George Li

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**From:** Brown, Tyrone (NSD) <Tyrone.Brown@usdoj.gov>  
**Sent:** Friday, August 29, 2014 10:45 AM  
**To:** George Li  
**Cc:** Dupuy, Siobhan (NSD)  
**Subject:** RE: Cover Letter Reference EB 2014-22 (comments by August 27, 2014)

17C 214-20140806-00234

Hi George, We will need these to come off streamline. Questions have been sent out to the company.

Thanks,

Ty

-----Original Message-----

**From:** George Li [mailto:George.Li@fcc.gov]  
**Sent:** Friday, August 29, 2014 9:12 AM  
**To:** Sofield, Richard (NSD)  
**Cc:** Brown, Tyrone (NSD)  
**Subject:** Fw: Cover Letter Reference EB 2014-22 (comments by August 27, 2014)

Help please.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

**From:** George Li <George.Li@fcc.gov>  
**Sent:** Thursday, August 28, 2014 9:06 AM  
**To:** Ongman, Joanne (NSD) ([Joanne.Ongman@usdoj.gov](mailto:Joanne.Ongman@usdoj.gov)); Cassanelli, Jennifer (NSD) ([Jennifer.Cassanelli@usdoj.gov](mailto:Jennifer.Cassanelli@usdoj.gov)); 'Dupuy, Siobhan (NSD)' ([Siobhan.Dupuy@usdoj.gov](mailto:Siobhan.Dupuy@usdoj.gov)); 'Taylor, Kristin (NSD)' ([Kristin.Taylor@usdoj.gov](mailto:Kristin.Taylor@usdoj.gov)); Caroline.Brown@usdoj.gov  
**Subject:** FW: Cover Letter Reference EB 2014-22 (comments by August 27, 2014)

Could you HELP please ?

**From:** George Li  
**Sent:** Wednesday, August 27, 2014 9:32 AM  
**To:** Sofield, Richard (NSD) ([Richard.Sofield2@usdoj.gov](mailto:Richard.Sofield2@usdoj.gov))  
**Cc:** Brown, Tyrone (NSD) ([Tyrone.Brown@usdoj.gov](mailto:Tyrone.Brown@usdoj.gov)); McConnell, Mark ([Mark.McConnell@usdoj.gov](mailto:Mark.McConnell@usdoj.gov)); Shaifer, Marilyn (NSD)  
**Subject:** FW: Cover Letter Reference EB 2014-22 (comments by August 27, 2014)

Hi Rick: May we have your comments today please ?

**From:** Adrienne Downs  
**Sent:** Thursday, August 07, 2014 3:09 PM  
**To:** 'edward.hand@usdoj.gov'; 'chemmerlein@ntia.doc.gov'; 'maydc@state.gov'; 'Christopher.Stiefken@ic.fbi.gov'; 'Marilyn.Shaifer@usdoj.gov'; 'Tyrone.Brown@usdoj.gov'; 'Brian.williams@associates.dhs.gov'; 'Cassanelli, Jennifer (NSD) ([Jennifer.Cassanelli@usdoj.gov](mailto:Jennifer.Cassanelli@usdoj.gov))<<mailto:Jennifer.Cassanelli@usdoj.gov>>)'  
([Jennifer.Cassanelli@usdoj.gov](mailto:Jennifer.Cassanelli@usdoj.gov)<<mailto:Jennifer.Cassanelli@usdoj.gov>>); 'Shawn.Coolley@HQ.DHS.Gov'; 'Telecom@usdoj.gov'; 'Siobhan.Dupuy@usdoj.gov'; 'alex.daman@dhs.gov'; 'Joanne.Ongman@usdoj.gov'; 'Jennifer.Rockoff@usdoj.gov'; 'Jonathan\_McHale@ustr.eop.gov'; 'Richard.Sofield2@usdoj.gov'; 'glenn.kaminsky@hq.dhs.gov'; 'dale.barr@hq.dhs.gov'; 'sdesmond@ostp.eop.gov'; 'IP-FCC@dhs.gov';

**Adrienne McNeil**



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**From:** Paz, Bermel (NSD) <Bermel.Paz@usdoj.gov>  
**Sent:** Thursday, May 28, 2015 10:43 AM  
**To:** David Krech; Adrienne McNeil  
Slade, Janine; Jacobs, Samuel P CTR OSD DOD CIO (US) (samuel.p.jacobs.ctr@mail.mil);  
Sofield, Richard (NSD)  
**Subject:** ITC-214-20140806-00234 (Mi Fi, LLC)  
**Attachments:** MiFi Petition to Adopt May 19 2015.pdf  
**Categories:** Actions Taken PN

David/Adrienne,  
I am still having problems submitting/uploading documents in MyIBFS. This time, I got a blank screen after clicking the "submit" button. I submitted the attached petition twice and, in both instances, got blank screens.

FYI and thanks.

*Bermel R. Paz*

Attorney  
U.S. Department of Justice  
National Security Division  
Foreign Investment Review Staff (FIRS)  
Bicentennial Building, 600 E Street NW, Suite 10006  
Washington DC 20530  
 (202) 233-2022  
 (202) 598-9037

**Adrienne McNeil**

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**From:** Adrienne McNeil  
**Sent:** Thursday, June 11, 2015 1:27 PM  
**To:** delsmith@jonesday.com; Edward A. Maldonado (eam@maldonado-group.com);  
edward.hand@usdoj.gov'; 'chemmerlein@ntia.doc.gov'; 'maydc@state.gov';  
'Christopher.Siefken@ic.fbi.gov'; 'Marilyn.Shaifer@usdoj.gov';  
'Tyronne.Brown@usdoj.gov'; 'Brian.williams@associates.dhs.gov';  
'Shawn.Cooley@HQ.DHS.Gov'; 'TTelecom@usdoj.gov'; 'Siobhan.Dupuy@usdoj.gov';  
'Itheme,Nkechi Payton (Nkechi\_P\_Itheme@ostp.eop.gov)'; 'alex.daman@dhs.gov';  
'Joanne.Ongman@usdoj.gov'; 'matthew.bernstein@ic.fbi.gov';  
'Jennifer.Rockoff@usdoj.gov'; 'Jonathan\_McHale@ustr.eop.gov'; 'Richard.Sofield2  
@usdoj.gov'; 'glenn.kaminsky@hq.dhs.gov'; 'dale.barr@hq.dhs.gov'; 'IP-FCC@dhs.gov';  
'kristin.taylor@usdoj.gov'; 'john.delmore@ic.fbi.gov'; 'ttwg@leo.gov';  
'mark.mcconnell@usdoj.gov'; 'robert.s.gorman.civ@mail.mil';  
'caroline.brown@usdoj.gov'; 'Hagar, Richard (richard.hagar@HQ.DHS.GOV)'; Denise  
Coca; David Krech; Susan OConnell; Howard Griboff; Kathleen Collins; Veronica Garcia-  
Ulloa  
Applications Granted  
**Attachments:** TEL01737.pdf

**ITC-214-20130119-00017 – Five9, Inc.**  
**ITC-214-20140806-00234 – My Fi, LLC**

The above listed applications have been **granted** by Public Notice released June 11, 2015; Report No. TEL-01737; DA No. 15-690 (attached).

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Adrienne McNeil  
International Bureau, FCC  
(202) 418-0412  
[Adrienne.McNeil@fcc.gov](mailto:Adrienne.McNeil@fcc.gov)

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

In the Matter of )  
 )  
Mi Fi, LLC )  
Application for authority pursuant ) ITC-214-20140806-00234  
to Section 214 of the )  
Communications Act of 1934, )  
as amended, for global authority to )  
operate as an international )  
facilities-based and resale carrier )

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

The U.S. Department of Justice (“USDOJ”), to include its component, the Federal Bureau of Investigation (“FBI”), submits this Petition to Adopt Conditions to Authorizations and Licenses (“Petition”), pursuant to Section 1.41 of the Federal Communications Commission (“Commission”) rules.<sup>1</sup> Through this Petition, the USDOJ 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 Mi Fi, LLC (“Mi Fi”) to abide by the commitments and undertakings set forth in the May 19, 2015 Letter of Agreement (“LOA”), a copy of 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).

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<sup>1</sup> 47 C.F.R. § 1.41.

After discussions with representatives of Mi Fi in connection with the above- referenced proceeding, the USDOJ and FBI have 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 USDOJ 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

May 27, 2015



May 19<sup>th</sup>, 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 MyFi, LLC ("MyFi") for authorization under Section 214 of the Communications Act of 1934, as amended (FCC file number ITC-214-20140806-00234).**

Dear Unit Chief:

This Letter of Agreement ("LOA" or "Agreement") outlines the commitments being made by MyFi 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 MyFi'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.

MyFi, a Florida corporation headquartered at 7791 NW 46<sup>th</sup> Street, Suite 105, Doral, Florida 33166, intends to offer international calling for residential and mobile customers, either directly or by reselling Voice over Internet Protocol (VoIP) services through carrier partners, between the US and all authorized international points.

MyFi agrees that its intended future services offerings are covered by and 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, MyFi will request that the FBI send its CALEA Implementation Unit to conduct a CALEA compliance test.<sup>1</sup> Once a compliance test is scheduled, MyFi will provide notice of the scheduled date. MyFi will continue to maintain such lawful interception capabilities for the duration of the time it provides services subject to CALEA.<sup>2</sup> MyFi also

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<sup>1</sup> A request can be made by contacting the general helpdesk for the CALEA Implementation Unit at (855) LECALFA (532-2532).

<sup>2</sup> MyFi may use a U.S. Trusted Third Party outsourcing partner to implement its lawful intercept capability.

agrees that it will comply with all other statutes, regulations, and requirements regarding electronic surveillance.

MyFi 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 MyFi begins to provide services, and will be subject to FBI approval. MyFi also agrees to provide FBI at least 30 days prior notice of any change to this POC, with all such changes also subject to FBI approval.

MyFi 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.<sup>3</sup> 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. MyFi also agrees to ensure that U.S. Records are not made subject to mandatory destruction under any foreign laws.

MyFi 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 MyFi 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 MyFi, 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.

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

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<sup>3</sup> This statement does not supersede or replace MyFi'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.

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

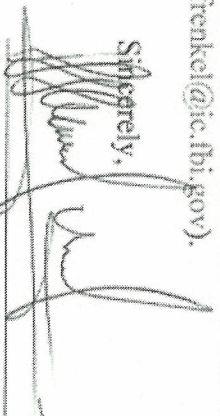
MyFi understands that, upon execution of this letter by an authorized representative or attorney for MyFi, DOJ shall notify the FCC that it has no objection to the FCC's grant of its application.

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](mailto:jonathan.frenkel@ic.fbi.gov)).

Sincerely,



Name: ~~SOZEE~~ HEZ ZAPPA

Title: ~~MANAGING~~ PARTNER AND CEO

For MyFi, LLC