

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

In the Matter of)	
)	
Emveno, LLC)	
Application for authority pursuant)	ITC-214-20140822-00243
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 components, the National Security Division (“NSD”) and 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.¹ 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 Emveno LLC (“Emveno”) to abide by the commitments and undertakings set forth in the April 28, 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).

¹ 47 C.F.R. § 1.41.

After discussions with representatives of Emvno in connection with the above-referenced proceeding, the USDOJ, NSD 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 11, 2015

Mr. John Carlin
Assistant Attorney General
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
ttelecom@usdoj.gov

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 Emveno, LLC (“Emveno”) for authorization under Section 214 of the Communications Act of 1934, as amended (FCC file number ITC-214-20140822-00243).

Dear Mr. Carlin:

This Letter of Agreement (“LOA” or “Agreement”) outlines and affirms the commitments herein made by Emveno to the U.S. Department of Justice (“DOJ”), to include the National Security Division (“NSD”) and the Federal Bureau of Investigation (“FBI”), in order to address national security, law enforcement, and public safety concerns raised with regard to Emveno’s application to the Federal Communications Commission (“FCC” or “Commission”) requesting authority to provide global or limited-global facilities and resale services between the U.S. and all authorized points (47 C.F.R. §§ 63.18(e)(1) and (2)) under Section 214 of the Communications Act of 1934, as amended.

Emveno is a Delaware corporation headquartered at 401 East Jackson Street, Suite 2340, Tampa, Florida 33602. Emveno plans to offer telecommunications services between the U.S. and authorized international points. Emveno plans to resell wireless voice, data and SMS services, but further intends to expand its service offerings thereafter.

Emveno agrees that its intended future services offerings are covered by all applicable lawful interception statutes, regulations, and requirements, including the Communications Assistance for Law Enforcement Act (“CALEA”), 47 U.S.C. §§ 1001-1010, and its implementing regulations, and will comply with all court orders and other legal process for lawfully authorized electronic surveillance. Emveno further agrees that it will comply with all such laws and regulations upon commencing services and offerings subject to the same.

Should Emveno offer telecommunication services that are subject to CALEA, Emveno 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, Emveno will provide the 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 Emveno has fully implemented lawful-interception capabilities.¹

Upon completion of the development of its lawful interception capabilities, Emveno will request that the FBI send its CALEA Implementation Unit to conduct a CALEA compliance test.² Once a compliance test is scheduled, Emveno will provide notice of the scheduled date. Emveno will continue to maintain such lawful interception capabilities for the duration of the time it provides services subject to CALEA. Emveno also agrees that it will comply with all other statutes, regulations, and requirements regarding electronic surveillance.

Emveno acknowledges that the DOJ may object to Emveno's implementation of lawful-interception capabilities or request further information regarding the same; Emveno will actively work to reasonably address DOJ's concerns, objections, or requests for further information, to the DOJ's satisfaction.

Emveno further agrees to designate a U.S. Law Enforcement Point of Contact ("POC") in the U.S., preferably a U.S. citizen, to receive service of process for U.S. Records and, where possible, to assist and support lawful requests for surveillance or production of U.S. Records by U.S. federal, state, and local law enforcement agencies ("Lawful U.S. Process"). Emveno will give notice of its POC to NSD and FBI for approval at least sixty (60) days prior to submitting a notice to DOJ that Emveno plans to offer a new service or upon Emveno's conclusion that compliance with CALEA is necessary. In addition, Emveno will give DOJ at least 30 days' prior notice of any change to its POC, and Emveno's newly designated POC shall be subject to DOJ review and approval. Emveno also agrees that the designated POC will have access to all U.S. Records, and, in response to Lawful U.S. Process, will make such records available promptly, and in any event no later than five business days after receiving such Lawful U.S. Process.

Additionally, Emveno agrees to provide copies of the following within fourteen (14) days of these items' finalization or amendment by the company, or following a request by the DOJ:

- The names, addresses, and contact information for all outsourced service providers.
- The Personal Identifiable Information ("PII") for all entities that have access (physical or logical) to Emveno's facilities, network elements, and

¹ Emveno may use a U.S. Trusted Third Party outsourcing partner to implement its lawful intercept capability.

² A request can be made by contacting the general helpdesk for the CALEA Implementation Unit at (855) LECALIA (532-2532).



databases, including Call Detail Records (“CDRs”), Customer Proprietary Network Information (“CPNI”), and other customer information.

- A detailed copy of Emveno’s final network diagram, showing all Points of Presence (“POPs”) and interfaces with Emveno’s carrier partners.
- The complete address and location information for the primary Network Operations Center (“NOC”) and POPs.
- The complete addresses for all locations where Emveno stores customer records and billing information.
- A list of all network elements whether owned, leased, or shared, including model and software versions.
- An updated list of all carrier partners, interconnection agreements, and network-peering arrangements.

Emveno agrees to provide follow-up information regarding the above should the DOJ so request. Emveno also acknowledges and agrees that the DOJ may object to the substance of the above items, upon which event(s) Emveno will work to address the DOJ’s concern(s).

Emveno agrees to provide the DOJ with notices of material change (e.g., corporate-structure changes of importance to this LOA, name changes for any Emveno entity or carrier partner, changes to CALEA compliance or lawful-surveillance capabilities, changes to the law enforcement point of contact (including such person’s PII), etc.) within thirty (30) days of such change.

In addition, Emveno agrees to submit yearly certifications to the DOJ regarding the company’s compliance with this LOA, to include certifications that there were no material changes (where no changes were notified to the DOJ during the preceding year), statements regarding compliance with CALEA, and notifications required under this LOA. These annual certifications will be due on the yearly anniversary of this LOA’s execution.

Emveno’s communications, certifications, notices, and reports to the DOJ will be submitted electronically and addressed to the following:

Assistant Attorney General for National Security
U.S. Department of Justice
National Security Division
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
Attn.: Team Telecom
Electronic mail: ttelecom@usdoj.gov

Unit Chief, Science and Technology Policy and Law Unit
Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Room 7350
Washington, DC 20535
Electronic mail: none




Courtesy electronic copies of all notices and communications also will be sent to the following, or to those individuals identified to Emveno by the DOJ in the future: Richard Sofield of the NSD (richard.sofield2@usdoj.gov); Kristin Taylor of the NSD (at kristin.taylor@usdoj.gov); and Jonathan Frenkel of the FBI (at jonathan.frenkel@ic.fbi.gov).

Emveno agrees that, in the event that the commitments set forth in this Agreement are breached, in addition to any other remedy available at law or equity, the DOJ may request that the FCC modify, condition, revoke, cancel, or render null and void any relevant license, permit, or other authorization granted by the FCC to Emveno or any successors-in-interest. Emveno further acknowledges that, should the information supplied by Emveno pursuant to this Agreement be determined by the DOJ to present national security, law enforcement, or public safety concerns, the DOJ may request that the FCC modify, condition, revoke, cancel, or render null and void any relevant license, permit, or other authorization granted by the FCC to Emveno or any successors-in-interest.³ Nothing herein shall be construed to be a waiver by Emveno of, or a limitation on, its right to oppose or comment on any such request. This Agreement and all commitments hereunder shall expire upon surrender or cancellation of Emveno's Section 214 authority.

Emveno understands that, upon fully complying with its requirements under law to become compliant with CALEA, and upon the DOJ's satisfaction with the materials submitted by Emveno pursuant to this LOA and in demonstration of CALEA compliance, the DOJ will advise Emveno of the Agreement's expiration and shall notify the FCC of the same.

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

Emveno understands that, upon execution of this letter by an authorized representative or attorney for Emveno, or shortly thereafter, the DOJ shall notify the FCC that the DOJ has no objection to the FCC's grant of Emveno's above-referenced application with the FCC.

Sincerely,

ZAC SWINOBELLS

³ Emveno makes this acknowledgement with the understanding that the DOJ will first attempt to address its concern(s) with Emveno, and will notify Emveno of filings with the FCC regarding such concern(s).