

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

In the Matter of)	
)	
HighComm, LLC)	
Application for Global and Limited)	ITC-214-20160601-00163
Global Facilities-based Authority and Global)	
And Limited Global Resale Authority)	
Pursuant to Section 214 of the)	
Communications Act of 1934, as amended)	

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

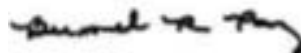
The U.S. Department of Justice (“USDOJ”), to include its components, the National Security Division (“NSD”) and the Federal Bureau of Investigation (“FBI”), submits this Petition to Adopt Conditions to Authorizations and Licenses (“Petition”), pursuant to Section 1.41 of the Federal Communications Commission (“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 HighComm, LLC (“HighComm”) to abide by the commitments and undertakings set forth in the January 25, 2017 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 HighComm 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,



Bermel R. Paz
U.S. Department of Justice
National Security Division
Foreign Investment Review Staff
Bicentennial Building
600 E Street NW, Suite 10007
Washington, D.C. 20530

February 8, 2017



January 25, 2017

Assistant Attorney General for National Security
United States Department of Justice
National Security Division
950 Pennsylvania Avenue NW,
Washington, DC 20530

Subject: FCC Case Number ITC – 214-20160601-00163
Application by HighComm, LLC for Global and Limited Global Facilities-based
Authority and Global and Limited Global Resale authority pursuant to Section
214 of the Communications Act of 1934, as amended.

Sir/Madam:

This Letter of Agreement (“LOA” or “Agreement”) outlines the commitments being made by HighComm, LLC (“HighComm”) to the U.S. Department of Justice (“USDOJ”), including 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 HighComm’s application to the Federal Communications Commission (“FCC” or “Commission”) seeking global and limited global facilities-based authority and global and limited global resale authority pursuant to Section 214 of the Communications Act of 1934, as amended.

HighComm is a Florida corporation headquartered at 750 South Park Road #813, Hollywood Florida 33021. HighComm plans to resell domestic and international voice services of existing major carriers in the United States and provide telecommunication services to customers, primarily in the Miami and Fort Lauderdale areas.

HighComm agrees to 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, as well as comply with all court orders and other legal process for lawfully authorized electronic surveillance. HighComm will provide USDOJ, NSD and FBI with a report on the status of its implementation of lawful-interception capabilities, including the status of its compliance with CALEA, within sixty (60) days after obtaining consent by the FCC and every thirty (30) days thereafter, up until the time when HighComm has fully established and implemented lawful-interception capabilities. Upon completion of the development of its lawful-interception capabilities, HighComm will request the Federal Bureau of Investigation (“FBI”) to send its CALEA Implementation Unit to conduct a CALEA-compliance test. Once a compliance test is scheduled, HighComm will provide notice of the scheduled date.



HighComm agrees to notify USDOJ, NSD and FBI, at least 30 days in advance, on any change to its business activities and current services portfolio, including providing end-user telecom services to residential and mobile customers in the United States.

HighComm agrees that they will not, directly or indirectly, disclose or permit disclosure of or access to U.S. records or domestic communications or any information (including call content and call data) pertaining to a wiretap order, pen/trap and trace order, subpoena, or any other lawful demand by a U.S. law enforcement agency for U.S. records to any person, if the purpose of such disclosure or access is to respond to the legal process or 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 USDOJ, or the authorization of a court of competent jurisdiction in the U.S. Any such requests for legal process submitted by a non-U.S. government to HighComm shall be referred to USDOJ/NSD as soon as possible, but in no event later than five business days after such request or legal process is received by or made known to HighComm, unless disclosure of the request or legal process would be in violation of U.S. law or an order of a court of the United States.

HighComm also agrees to ensure that U.S. records are not made subject to mandatory destruction under any foreign laws. The location of the U.S. records' storage facility will be provided to USDOJ, NSD and FBI at least 30 days in advance of the time in which HighComm anticipate generating U.S. records, provided that if U.S. records are being generated at the time of consummation of the transaction, that HighComm will have 30 days following consummation to provide such information.

HighComm further agrees to designate and maintain a U.S. Law Enforcement Point of Contact ("POC") in the U.S., preferably a U.S. citizen residing in the U.S., 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"). This point of contact and his/her contact information will be provided to the FBI within 15 days from the time HighComm receives the FCC's consent to the transfer and will be subject to FBI approval. HighComm also agrees to provide the USDOJ and FBI at least 30 days prior written notice of any change in its POC, with all such changes also subject to USDOJ and FBI approval. In addition, HighComm will give USDOJ, NSD, and FBI at least 30 days prior written notice of any change to its POC, and HighComm's nominated replacement shall be subject to USDOJ, NSD and FBI review and approval. HighComm 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. HighComm will provide USDOJ with a copy of its System Security and Integrity ("SSI") plans filed with the FCC.

HighComm further agrees that they will report all material outsourced or off-shore service providers, including but not limited to services provided in relation to:

- Network operation center(s) ("NOC");
- Network maintenance services;
- Customer support services;



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- Any operation/service that could potentially expose U.S. domestic telecommunications infrastructure, U.S. customer data and records, call detail records (“CDRs”), or customer proprietary network information (“CPNI”); and
- Deployment of any network elements, hardware, software, core network equipment, and network management capabilities that are owned, managed, manufactured or controlled by a foreign government or non-public entities.

Finally, HighComm agrees to provide an annual report to USDOJ, NSD, and FBI regarding the company’s compliance with this Agreement, to include:

- Certifications that there were no changes (where no changes were reported to USDOJ during the preceding year);
- Statement(s) regarding CALEA compliance;
- Notice(s) regarding the company’s handling of U.S. records, domestic communications, and U.S. lawful process (i.e., whether handled properly and in accordance with the assurances contained herein);
- Notification(s) of any changes in the business activities and services that HighComm provides (as described in paragraph 2, page 2 of this LOA), or confirmation that no additional services are being offered;
- Notification(s) of any relationships with foreign-owned telecommunications partners, including any peer relationships;
- Notification(s) of the installation and/or purchase or lease of any foreign-manufactured telecommunication equipment (including, but not limited to, switches, routers, software, hardware);
- Report(s) of any occurrences of cyber-security incidences, network and enterprise breaches, and unauthorized access to customer data and information;

A re-identification of the name of and contact information of the POC;

- Notifications regarding any other matter of interest to this LOA; and
- Statement that HighComm agrees to USDOJ/NSD/FBI requests for site visits and to approve all requests to conduct on-site interviews of HighComm’s employees.

Annual report will be due every 31st day of January of each calendar year, beginning on January 31, 2018, and will be addressed to:

Assistant Attorney General for National Security
U.S. Department of Justice
National Security Division
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
Attention: Team Telecom



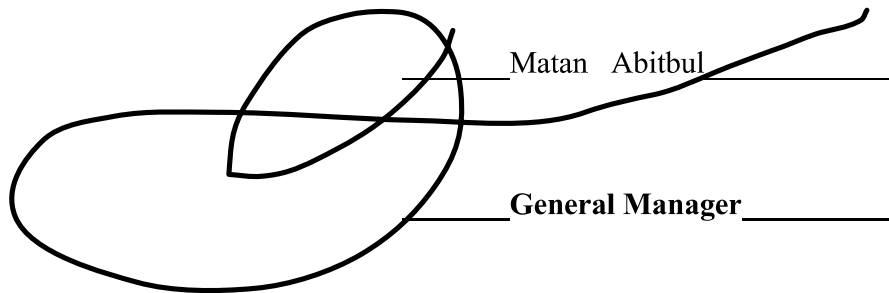
Courtesy electronic copies of all notices and communications will also be sent to the following or individuals identified in the future to HighComm by USDOJ: Bermel Paz, USDOJ (at Bermel.Paz@usdoj.gov); Richard Sofield, USDOJ (richard.sofield2@usdoj.gov); and Daniel Wunderlii, FBI (at daniel.wunderlii@ic.fbi.gov).

HighComm agrees that in the event that the commitments set forth in this letter are breached, HighComm will be liable for those commitments, and USDOJ/NSD/FBI may request the FCC to modify, condition, revoke, cancel, or render null and void any relevant license, permit, or other authorization granted by the FCC to HighComm or its successors-in-interest, in addition to any other remedy available at law or equity. Nothing herein shall be construed to be a waiver by HighComm of, or limitation on, its right to oppose or comment on any such request.

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

HighComm understands that, upon execution of this LOA by an authorized representative or attorney, or shortly thereafter, USDOJ shall notify the FCC that it has no objection to the FCC's consent to HighComm's application.

Sincerely,



Matan Abitbul

General Manager_____