

9. Does the applicant request streamlined processing pursuant to 47 C.F.R. Section 63.12? If yes, include in Attachment 1 a statement of how the application qualifies for streamlined processing.

Limecom, Inc. (“applicant”) is engaged in the purchase and resale of international VOIP (Voice Over IP) minutes. All minutes bought and sold by Limecom, Inc. have two things in common. First the minutes are only bought from and sold to other resellers, never end users (i.e. the public). Second, all minutes are for international calls meaning they do not start and terminate in the same country. Calls may go into (or out of) the US but will never start and terminate in the same country.

The owner of Limecom, Inc. is Minerva Holding SRL an Italian trust or fiduciary entity whereby the assets and liabilities are held for the benefit of Orlando Taddeo. *See Attachment 2 answer to question 14.* In addition Minerva Holding SRL holds an Italian entity – Limecom Italy SRL and a Spanish entity – Limecom Spain SL (the “affiliates”). These companies operate an identical business model whereby they sell International VOIP minutes to resellers and carriers, but never end users.

Given applicant’s structure and operations, applicant is eligible for streamlined processing.

Pursuant to § 63.12 “[e]xcept as provided in paragraph (c) of this section, a complete application seeking authorization under § 63.18 of this part shall be granted by the Commission 14 days after the date of public notice listing the application as accepted for filing.”

1. The Affiliated Entities Are Not “Carriers” Under Applicable Regulations

Paragraph (c) states that streamline processing shall not apply when an applicant is affiliated with a foreign carrier in a destination market, unless the applicant clearly demonstrates in its application one of several exceptions.

The affiliated companies at issue, Limecom Spain SL and Limecom Italy S.R.L. are not foreign carriers under § 63.09(d) as they do not provide services to the public. *See* § 63.09(d) stating *Foreign carrier* is defined as any entity that is authorized within a foreign country to engage in the provision of international telecommunications services offered to the public in that country. As stated above the Affiliates only resell minutes to carriers and other re-sellers and thus never the public.

2. The Carriers Own No Facilities

Furthermore, a carrier shall be deemed non-dominant if, “[t]he affiliated foreign carrier owns no facilities, or only mobile wireless facilities, in that destination market. For this purpose, a carrier is said to own facilities if it holds an ownership, indefeasible-right-of-user, or leasehold interest in bare capacity in international or domestic telecommunications facilities (excluding switches)” § 63.12(c)(1)(iii).

The foreign Affiliates and applicant do not own any mobile wireless facilities *in any destination market* including the United States of America. The applicant merely resells minutes from one

carrier to another or to other resellers. Thus no telecommunications equipment is necessary or owned. Therefore, applicant is also entitled to streamline processing under § 63.12(c)(1)(iii).

3. The Applicant and Affiliates Are Non-Dominant

Under paragraph (c)(ii) if the applicant qualifies for a presumption of non-dominance under § 63.10(a)(3) it is entitled to streamline processing.

The applicant only has affiliates in Spain and Italy and is thus entitled to a presumption of non-dominance in all other international markets. *See* 47 CFR 63.10 (a)(1) stating “A U.S. carrier that has no affiliation with, and that itself is not, a foreign carrier in a particular country to which it provides service (i.e., a destination country) shall presumptively be considered non-dominant for the provision of international communications services on that route.”

With regards to Italy and Spain the applicant is also non-dominant, *even if* the Commission finds the foreign affiliates to be classified as “foreign carriers” under § 63.09(d) because “[i]f the U.S. carrier demonstrates that the foreign affiliate lacks 50 percent market share in the international transport and the local access markets on the foreign end of the route, the U.S. carrier shall presumptively be classified as non-dominant.” *See* 47 CFR 63.10(3).

The applicant lacks a 50% market share in both Italy and Spain. To be clear, Limecom Italy and Limecom Spain are only engaged in international VOIP traffic and engage in zero domestic wire switches or VOIP calls. These markets (Italy and Spain) are dominated by domestic traffic, something Limecom Italy and Limecom Spain do not even engage in, thus making it impossible for these companies to hold a majority or even plurality of the market. Therefore, the Affiliates are not dominant under applicable regulations.

Conclusion

Given that (i) applicant is non-dominant in all markets and (ii) applicant and its affiliates do not own any telecommunications facilities and (iii) the affiliates at issue here are not telecommunications carriers, the applicant is entitled to streamline processing. *See* § 63.12; § 63.10(a)(3); § 63.10(a)(1); § 63.09(d).

11. If the applicant is a foreign carrier, or is affiliated (as defined in 47 C.F.R. Section 63.09(e)) with a foreign carrier, provide in Attachment 1 the information and certifications required by Section 63.18(i) through (m).

Applicant is affiliated with foreign telecommunications companies located in Spain (Limecom Spain SL) and Italy (Limecom Italy S.R.L.) all are owned by Minerva Holding S.R.L., an Italian entity. For the reasons stated in applicant's response to number 9 these companies should not be considered foreign carriers.

- **63.18(i) A certification as to whether or not the applicant is, or is affiliated with, a foreign carrier. The certification shall state with specificity each foreign country in which the applicant is, or is affiliated with, a foreign carrier.**

Pursuant to the definition of affiliated as set out in 47 CFR 63.09(e) applicant certified the following affiliations: Applicant is affiliated with foreign telecommunications companies located in Spain (Limecom Spain SL) and Italy (Limecom Italy S.R.L.). All companies including applicant are owned by Minerva Holding S.R.L., an Italian entity.

However these companies (and applicant) are not foreign carriers as they do not offer services to the public. See § 63.09(d).

- **63.18(j) A certification as to whether or not the applicant seeks to provide international telecommunications services to any destination country for which any of the following is true. The certification shall state with specificity the foreign carriers and destination countries:**

N/A for the reasons outlined below.

(1) The applicant is a foreign carrier in that country; or

Applicant is not a foreign carrier in any other countries. *Foreign carrier* as defined by § 63.09(d) does not apply because applicant does not offer telecommunications services to the public or any end users. Applicant is engaged in re-selling VOIP minutes to telecommunications providers and never to end users.

(2) The applicant controls a foreign carrier in that country; or

Applicant does not control any foreign carriers.

(3) Any entity that owns more than 25 percent of the applicant, or that controls the applicant, controls a foreign carrier in that country.

Minerva Holding S.R.L., who owns applicant also owns telecommunications companies engaged in the reselling of VOIP minutes to carriers only (not end users or the public) in Italy and Spain however neither are defined as foreign carriers as they do not provide telecommunications services to the public and are engaged solely in resale.

(4) Two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate, more than 25 percent of the applicant and are parties to, or the beneficiaries of, a contractual relation (e.g., a joint venture or market alliance) affecting the provision or marketing of international basic telecommunications services in the United States.

100% of applicant is owned by Minerva Holding, S.R.L. (an Italian entity that owns Limecom Spain SL and Limecom Italy S.R.L.) but applicant does not offer telecommunications services to the public nor do any affiliates of Minerva Holding, S.R.L.. All items sold are sold to resellers or carriers, never end users.

- **63.18(k) For any destination country listed by the applicant in response to paragraph (j) of this section, the applicant shall make one of the following showings:**

Not applicable.

- **63.18(l) Any applicant that proposes to resell the international switched services of an unaffiliated U.S. carrier for the purpose of providing international telecommunications services to a country where it is a foreign carrier or is affiliated with a foreign carrier shall either provide a showing that would satisfy § 63.10(a)(3) of this part or state that it will file the quarterly traffic reports required by § 43.61(c) of this chapter.**

Not applicable. Applicant does not provide international switched services.

- **63.18(m) With respect to regulatory classification under § 63.10 of this part, any applicant that is or is affiliated with a foreign carrier in a country listed in response to paragraph (i) of this section and that desires to be regulated as non-dominant for the provision of particular international telecommunications services to that country should provide information in its application to demonstrate that it qualifies for non-dominant classification pursuant to §63.10 of this part.**

Applicant is not affiliated with foreign carriers as defined under § 63.09(d). Furthermore, all of affiliated companies and applicant are entitled to be presumed non-dominant. *See applicant's answer to Question 9 above.*

ATTACHMENT 1: FCC 214

APPLICANT: Limecom, Inc.

12. Does the applicant seek authority to provide service to any destination described in paragraphs (1) through (4) of Section 63.18(j)? If yes, list those destinations in Attachment 1 as a response to question 12.

Not applicable.