



Federal Communications Commission  
Washington, D.C. 20554

May 26, 2020

Mr. Naoum Bourkas  
Netrium Networks Inc.  
5490 Boulevard Thimens, Suite 101  
Saint-Laurent, Quebec H4R 2K9 Canada  
[nbourkas@netrium.ca](mailto:nbourkas@netrium.ca)

**CERTIFIED FIRST CLASS MAIL – RETURN RECEIPT REQUESTED**

**RE: Potential Dismissal of Netrium Networks Inc.’s Application for International Section 214 Authority, File No. ITC-214-20200204-00027**

Dear Mr. Bourkas:

On February 4, 2020, Netrium Networks Inc. (Netrium) filed the above referenced application with the Federal Communications Commission (Commission) to obtain an international section 214 authorization. On February 21, 2020, the Commission referred Netrium’s application to the Department of Justice (DOJ), the Department of Defense, and the Department of Homeland Security (collectively, the Executive Branch agencies) due to the application’s reportable foreign ownership. On February 24, 2020, the Executive Branch agencies requested that the Commission defer action on the application while they reviewed it for any national security, law enforcement, and public safety concerns.<sup>1</sup>

On May 11, 2020, the Executive Branch agencies informed the Commission that they are no longer reviewing the application and recommend that the FCC dismiss Netrium’s application without prejudice.<sup>2</sup> According to the Executive Branch agencies, Netrium has failed to respond to DOJ’s requests for information despite numerous reminders by e-mail and telephone in March and April 2020.<sup>3</sup> DOJ indicates that it contacted Netrium by telephone seeking updates on April 28, 2020, and you informed DOJ that Netrium intends to submit triage responses the next day, by April 29, 2020.<sup>4</sup> However, DOJ states that “[t]o date, DOJ has not received triage responses or any request for an extension from Netrium.”<sup>5</sup>

Please inform us no later than **Tuesday, June 23, 2020**, if you want to continue to seek the grant of the international section 214 application. If you do, indicate when you will provide the requested information to DOJ. If you fail to respond to this letter, we hereby provide notice that Netrium’s

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<sup>1</sup> Letter from Alice Suh Jou, National Security Division, DOJ, to Marlene H. Dortch, FCC (Feb. 24, 2020). All letters referenced here may be viewed on the FCC’s the International Bureau Filing System (IBFS) by searching for ITC-214-20200204-00027 and accessing the “Other Filings related to this application” from the Document Viewing Area.

<sup>2</sup> Letter from Loyann A. Egal, Deputy Chief, and Alice Suh Jou, Attorney, National Security Division, DOJ, to Marlene H. Dortch, FCC at 1-2 (May 11, 2020); *see* Attachment.

<sup>3</sup> *Id.* at 1.

<sup>4</sup> *Id.* at 2.

<sup>5</sup> *Id.* at 1.

international section 214 application will be dismissed without prejudice under sections 1.748(a) and 63.51(b) of the Commission's rules.<sup>6</sup>

Your response should be submitted via IBFS in File No. ITC-214-20200204-00027, and you should email a copy to me at [Denise.Coca@fcc.gov](mailto:Denise.Coca@fcc.gov) and to Leah Kim, at [Leah.Kim@fcc.gov](mailto:Leah.Kim@fcc.gov). We look forward to your prompt attention to this matter.

Sincerely,



Denise Coca, Chief  
Telecommunications & Analysis Division  
International Bureau

cc:

Loyaan A. Egal  
Deputy Chief  
Foreign Investment Review Section  
National Security Division  
U.S. Department of Justice  
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<sup>6</sup> 47 CFR §§ 1.748(a), 63.51(b).



**U.S. Department of Justice**

National Security Division

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Foreign Investment Review Section

Washington, D.C. 20530

May 11, 2020

By E-File (IBFS)

Ms. Marlene H. Dortch  
Federal Communications  
Commission 445 12th St. SW,  
Room TW-B204  
Washington, DC 20554

**Re:           Netrium Networks, Inc.  
Application for International Section 214 Authorization  
IBFS File No. ITC-214-20200204-00027**

Dear Ms. Dortch:

The Departments of Justice, Homeland Security, and Defense (collectively, the Agencies), write to inform the Federal Communications Commission (FCC) that the Agencies are no longer reviewing the above-captioned application for national security and law enforcement concerns. Netrium Networks, Inc. (Netrium) has failed to respond to the Department of Justice's (DOJ's) requests for information despite numerous reminders by e-mail and telephone.

On February 21, 2020, the FCC referred Netrium's application for an international Section 214 authorization to provide resale-based services under 47 C.F.R. § 63.18(e)(2). Three days later, on February 24, the Agencies requested that the FCC defer action on the matter in order to review for any national security, law enforcement, and public safety issues. On February 28, DOJ sent triage questions to Netrium by e-mail and requested responses by March 13, 2020. To date, DOJ has not received triage responses or any request for an extension from Netrium.

DOJ sent e-mails to Netrium seeking updates on March 30, April 14, April 20, and April 28. DOJ sent these e-mails to the address provided in Netrium's Section 214 application ([nbourkas@netrium.ca](mailto:nbourkas@netrium.ca)); the DOJ e-mails sent on April 14, 20, and 28 also copied addresses

provided by Netrium employees over the phone ([projects@netrium.ca](mailto:projects@netrium.ca), [info@netrium.ca](mailto:info@netrium.ca) and [support@netrium.ca](mailto:support@netrium.ca)). Netrium did not provide responses to those e-mails.

DOJ contacted Netrium employees by telephone on April 14 and April 28. On April 14, DOJ spoke with a Netrium employee at the phone number provided in Netrium's Section 214 application (514-447-2060). The Netrium employee stated that he was not aware of the Section 214 application but would take a message for Mr. Naoum Bourkas, the employee listed as Netrium's representative in the application. Later that day on April 14, DOJ received an e-mail from Mr. Bourkas ([nbourkas@netrium.ca](mailto:nbourkas@netrium.ca)) indicating that he had received DOJ's phone message but was unsure of the application mentioned in the message. After receiving this e-mail, DOJ re-sent triage questions on April 14 to Mr. Bourkas. DOJ did not receive any response. On April 28, DOJ again contacted Netrium by telephone and spoke with Mr. Naoum Borkas. He stated that he had encountered delays but intended to submit triage responses the next day, *i.e.*, April 29. To date, DOJ has not received any triage responses from Netrium.

Accordingly, the Agencies recommend that the FCC dismiss Netrium's application without prejudice. *See International Authorizations Granted*, Public Notice, DA No. 19-929, Report No. TEL-01981 (Sept. 19, 2019) (dismissing without prejudice Section 214 application of Plivo Inc., FCC IBFS No. ITC-214-20180302-00042 pursuant to Sections 1.748(a) and 63.51(b) of the Commission's rules, 47 C.F.R. §§ 1.748(a), 63.51(b)).

Respectfully submitted,

LOYAAN A. EGAL  
Deputy Chief  
Foreign Investment Review Section  
National Security Division  
U.S. Department of Justice

/s/ Alice Suh Jou  
Alice Suh Jou  
Attorney

cc: David Krech (via e-mail at [david.krech@fcc.gov](mailto:david.krech@fcc.gov))  
Adrienne McNeil (via e-mail at [Adrienne.McNeil@fcc.gov](mailto:Adrienne.McNeil@fcc.gov))  
FCC-TTelecom list (via e-mail at [FCC-TTelecom@fcc.gov](mailto:FCC-TTelecom@fcc.gov))