

Mikelle Morra

From: David Krech
Sent: Thursday, May 01, 2008 3:40 PM
To: Mikelle Morra
Cc: Sumita Mukhoty; Susan OConnell
Subject: RE: also for tomorrow's aff pn

ITC-ASG-20080404-00164 PTI Pacifica Inc.

Assignment

Current Licensee: IT&E Overseas, Inc.

From: IT&E Overseas, Inc.

To: PTI Pacifica Inc.

Application for consent to assign international section 214 authorization, ITC-214-19970326-00172 (Old File No. ITC-97-184), held by IT&E Overseas, Inc. (IT&E) to PTI Pacifica Inc. (PTI Pacifica), an indirect, wholly-owned subsidiary of Pacific Telecom Inc. (PTI). PTI proposes to buy the telecommunications assets of IT&E, including its authorization, infrastructure, and subscriber bases. Prospector Investments Ltd. (Prospector), a Cayman Islands entity, holds a 75% interest in PTI, and Sumitomo Corporation, a Philippine entity, holds a 20% direct and a 5% indirect interest in PTI. Richard C. Delgado and Jose Ricardo Delgado both citizens of the Philippines, own 60% and 40% ownership interests in Prospector, respectively. No other individual or entity has a 10 percent or great direct or indirect equity or voting interest in PTI or PTI Pacifica.

From: Mikelle Morra
Sent: Thu 5/1/2008 3:19 PM
To: David Krech
Cc: Sumita Mukhoty; Susan OConnell
Subject: RE: for tomorrow's aff pn

Are you sending one more?

Mikelle

Mikelle Morra
Mikelle.Morra@fcc.gov
Federal Communications Commission
International Bureau/ Policy Division
202-418-7151

From: David Krech
Sent: Thursday, May 01, 2008 2:53 PM
To: Mikelle Morra
Cc: Sumita Mukhoty; Susan OConnell
Subject: for tomorrow's aff pn

ITC-T/C-20080408-00168

Global Connection Inc. of America

Transfer of Control

Current Licensee:

Global Connection Inc. of America

From:

Global Connection Inc. of America

To:

L6-Global, LLC

Application for consent to transfer control of international section 214 authorization, ITC-21420040421-00150, held by Global Connection Inc. of America (Global), to L6-Global, LLC (L6-Global). Pursuant to the contemplated transaction Global Connection Holdings Corporation (Global Holdings), a U.S. entity established solely for accomplishing this transaction, will acquire 100% membership interest in Global. After closing, Global Holdings will be owned as follows: L6-Global (80%), Sam Abdallah (20%). L6-Global Manager LLC (L6-Global Manager) is the managing member of L6-Global. In turn, two individual, both U.S. citizens, hold membership interests in L6-Global Manager. No other individual or entity will hold 10 percent or greater equity or voting interest in Global.

Mikelle Morra

From: Janeese Parker
Sent: Friday, May 16, 2008 12:41 PM
To: Janeese Parker; 'jinsunghahnrcpa@gmail.com'; 'tcooney@wbklaw.com'
Cc: George Li; David Krech; Susan OConnell; Joann Ekblad; James Ball; Veronica Garcia-Lilloa; 'Damian, Alex (DHS)'; 'Pinto, Greg (DHS)'; Mikelle Morra; 'Pifer, Jon (LEO)'; 'Connors, John'; 'Daniels, Douglas'; 'Telecom'; 'Orgman, Joanne'; 'Rockoff, Jennifer'
Subject: RE: FCC Section 214 Removed from Streamlined
Attachments: TEL-01270S.pdf

OPENPOP.COM, INC.
ITC-214-20080418-00194

PTI Pacifica Inc.
ITC-ASSG-20080404-00164

The above referenced applications were placed on Public Notice on May 2, 2008 for streamlined processing. Since the Public Notice was released, the Commission has been requested by the Executive Branch agencies of the United States that we remove the subject applications from streamlined processing because of foreign ownership issues. Therefore, pursuant to Section 63.12(c)(3) of the Commission's Rules, we have removed the applications from streamlined processing.

Please be advised that your company may not commence operations until the Section 214 authorization is granted. See Section 63.12(d) of the rules, 47 C.F.R. Section 63.12(d). The Executive Branch will contact you or the "Contact" listed on your application directly for further information. You can be assured that your application will be processed expeditiously upon completion of Executive Branch's review. We will notify you by e-mail when your application is granted.

The Public Notice Report No. TEL-01270S (released May 16, 2008), is attached. If you have any questions, please email: Mikelle.Morra@fcc.gov, JoAnn.Ekblad@fcc.gov, Susan.Oconnell@fcc.gov, David.Krech@fcc.gov, and George.Li@fcc.gov or fax to 202-418-2824.

Thank you.

Janeese Parker
Federal Communications Commission
International Bureau/Policy Division
Phone: (202) 418-0707
E-mail: Janeese.Parker@fcc.gov

5/20/2008

The *Petition to Condition Referenced Proceedings* that is the subject of this Opposition is identical, except for the file numbers in the caption of the pleading, to the Petitioners' *Petition to Condition* filed in WC Docket No. 08-54. Applicants provide a substantive response to the Petitioners' allegations in their joint opposition filed in that docket on May 19, 2008.

In this opposition Applicants explain, on the other hand, why the Commission should disregard the Petitioners' allegations in any of the above-referenced application proceedings on procedural grounds. First, the time period for filing petitions against the application to assign the wireless licenses (ULS File No. 0003356838) expired April 25, 2008,² and Petitioners have not requested leave, nor provided a justification, to file out of time. In accordance with recent FCC precedent enforcing its procedural rules strictly,³ the Commission should reject the *Petition to Condition Referenced Proceedings* as untimely filed with respect to the ULS application.

Second, the *Petition to Condition Referenced Proceedings* lists a petition for declaratory ruling filed by the parent company of PTI Pacifica (Pacific Telecom Inc.) seeking FCC authorization for indirect foreign ownership of common carrier licenses above 25 percent. The *Petition to Condition Referenced Proceedings*, however, raises no argument whatsoever challenging Pacific Telecom's petition and, therefore, should be disregarded in that proceeding.

Third, the *Petition to Condition Referenced Proceedings* also supposedly opposes an application to assign an earth station license; but the earth station only receives a passing reference in a footnote.⁴ Indeed, the focus of Petitioners' pleading (PTI's alleged high rates for its inter-island submarine cable) has no relevance to the earth station application. The Petitioners

² See FCC Public Notice: Wireless Telecommunications Bureau Report 397/4, April 9, 2008, at 2.

³ See *Complaints Against Various Licensees Regarding Their Broadcast of the Fox Television Network Program "Married By America" on April 7, 2003*, File No. EB-03-IH-0162, Order, DA 08-819 (rel. April 4, 2008).

⁴ *Petition to Condition Referenced Proceedings*, at 8 n.28.

make no allegation that the earth station at issue is a bottleneck facility, nor could they. Any and all of the Petitioners that choose to file an appropriate application could receive a substantially identical earth station license on Guam from the FCC.

Finally, the *Petition to Condition Referenced Proceedings* lists an international Section 214 application. Again, the Petitioners' pleading makes no argument that PTI Pacifica should be barred from receiving authority to provide international services (which PTI Pacifica already possesses under a separate authorization); and thus the pleading should be disregarded as irrelevant with respect to the above-captioned international Section 214 proceeding.

As noted above, Applicants address the merits of Petitioners' allegations in their concurrently filed opposition filed in WC Docket No. 08-54, which pleading is hereby incorporated by reference.


Respectfully submitted,

IT&E OVERSEAS, INC.

PACIFIC TELECOM INC.



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Its Attorneys

Its Attorneys

May 19, 2008

CERTIFICATE OF SERVICE

I, Paula Lewis, do hereby certify that on this 19th day of May, 2008, a copy of the foregoing Joint Opposition to Petition to Condition was served via email upon the following:

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