

**APPLICATION FOR ASSIGNMENT OF INTERNATIONAL SECTION 214  
AUTHORIZATION**

Pursuant to Section 214 of the Communications Act of 1934, as amended (the "Act") 47 U.S.C. § 214, and Section 63.24 of the Commission's rules, 47 C.F.R. § 63.24, Broadpoint License Co., LLC (formerly, Broadpoint Wireless License Co., LLC) ("Broadpoint" or the "Assignor") and ITC Global, Inc. ("ITC" or "Assignee") (collectively, the "Parties") seek Commission consent to assign the international Section 214 authorization for global facilities-based and global resale service held Broadpoint, as the Assignor) to ITC as the Assignee. The FCC initially granted this Section 214 authority to Broadpoint in File No. ITC-ASG-201000419-00168 on May 28, 2010, Public Notice Report No. TEL-01432, 25 FCC Rcd 7156 (released June 3, 2010). Commission approval of this assignment would serve the public interest.

**DESCRIPTION OF THE APPLICANT**

ITC is a corporation organized under the laws of the State of Delaware. The name and address of ITC are ITC Global, Inc., One Progress Plaza, Suite 700, St. Petersburg, FL 33701, telephone (727) 898-3895. ITC provides comprehensive networking solutions for business operating anywhere in the world. ITC provides communications in some of the world's most difficult regions, including remote and otherwise unreachable mining locations; offshore platforms; floating production, storage, and offloading vessels; and service vessels. Networks managed by ITC enable the transmission of real-time data from vessels and

platforms to shore-based facilities, enabling real-time sharing of information, voice communications, and network connectivity for improved decision making and safety in the maritime environment. ITC desires to expand its service beyond two-way radio, SCADA, telephony, and local area operations, especially by assuming control of Broadpoint's network of satellite communications in the Gulf of Mexico.

ITC will use previously authorized facilities to provide the services requested by the instant Application. Consequently, ITC is categorically excluded from environmental assessment pursuant to Section 1.1306 of the Commission's Rules, 47 C.F.R. §1.1306.

As evidenced by the certification attached hereto as Attachment A, ITC is not affiliated with a foreign carrier. As evidenced by the certification attached hereto as Attachment A, ITC does not seek to provide international telecommunications service to any destination where: (1) ITC is a foreign carrier in that country; (2) ITC controls a foreign carrier in that country; (3) any entity that controls ITC, controls a foreign carrier in that country; or (4) two or more parties own, in the aggregate, more than 25% of ITC and are parties to, or the beneficiaries of, a contractual relationship that affects the provision or marketing of international basic telecommunications services in the United States.

As evidenced by the certification attached hereto as Attachment A, ITC has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any

international route the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the United States market and will not enter into such agreements in the future.

## DESCRIPTION OF TRANSACTION AND PUBLIC INTEREST STATEMENT

In deciding whether to grant applications under Sections 214(a) and 310(d) of the Communications Act of 1934, as amended,<sup>1</sup> the Commission must determine whether doing so is in the public interest. Many transfer or assignment applications on their face show that a transaction will yield affirmative public interest benefits and will not violate the Communications Act or Commission rules, nor frustrate or undermine the policies and enforcement of the Communications Act by reducing competition or otherwise.<sup>2</sup> Such applications do not require extensive review and expenditures of considerable resources by the

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<sup>1</sup> 47 U.S.C. §§ 214(a), 310(d).

<sup>2</sup> *In re Application of GTE Corp. and Bell Atlantic Corp. for Consent to Transfer Control of Domestic and Int'l Section 214 and 310 Authorizations and Application to Transfer Control of a Submarine Cable Landing License*, Memorandum Opinion and Order, 15 FCC Rcd. 14,032, 14,048, ¶ 25 (2000) ("*GTE/Bell Atlantic Merger Order*"); *In re Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorizations from MediaOne Group, Inc. to AT&T Corp.*, Memorandum Opinion and Order, 15 FCC Rcd. 9816, 9822, ¶ 13 (2000) ("*MediaOne/AT&T Merger Order*"); *In re Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorizations from Tele-Communications, Inc. to AT&T Corp.*, Memorandum Opinion and Order, 14 FCC Rcd. 3160, 3170 ¶ 16 (citing *In re Applications of Bourbeuse Tel. Co. and Fidelity Tel. Co.*, Memorandum Opinion and Order, 14 FCC Rcd. 803 (1998)); *SBC/Ameritech Merger Order*, 14 FCC Rcd. at 14,740-41, ¶ 54.

Commission and interested parties.<sup>3</sup> This is such a transaction. It is clear that this transaction does not violate any law or rule. Likewise, as shown below, it does not impede the realization of the objectives of the Communications Act or the Commission's ability to implement the Act. To the contrary, this transaction will result in affirmative public interest benefits and will not harm competition. Accordingly, the Commission should approve this transaction expeditiously.

As previously stated, the management of ITC has experience operating wireless systems in rural areas and is well-positioned to provide customers in the Gulf of Mexico with high-quality wireless services. ITC will receive a customer base, fully built network assets, retail facilities and operations, roaming and interconnection agreements, real property, equipment and personal property, inventory, customer support and business systems, and intellectual property. While Broadpoint's existing operations will provide an excellent platform from which to serve existing and future customers in the Gulf of Mexico, ITC expects, from time to time, to assess, upgrade, and expand these systems, just as it has done with its current telecommunications services. This transaction will maintain competition within the Gulf of Mexico. ITC currently has no presence in the Gulf of Mexico.

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<sup>3</sup> *In re Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorizations by Time Warner Inc. and Am. Online. Inc. to AOL Time Warner Inc.*, Order, 16 FCC Rcd. 6547, 6557, ¶ 26 (2001); *GTE/Bell Atlantic Merger Order*, 15 FCC Rcd. at 14,048, ¶ 25; *MediaOne/AT&T Merger Order*, 15 FCC Rcd. at 9822, ¶ 13; *SBC/Ameritech Merger Order*, 14 FCC Rcd. 14,740-41 ¶ 54; *see also In re Petition for Forbearance of the Indep. Tel. & Telecomms. Alliance*. Third Memorandum Opinion and Order, 14 FCC Rcd. 10,816, 10,830-31, ¶ 20 (1999).

Consequently, ITC's acquisition and control of the FCC Licenses will introduce a new competitor to replace Broadpoint and thereby maintain competition in these markets. In addition, ITC is experienced at operating telecommunications services in rural areas and is well-equipped to maintain the competitive position of the FCC Licenses, which cover the Gulf of Mexico.

**Additional Information Required by Form 312:**

**Section 63.18(c)**

**Assignor Contact Information:**

Broadpoint License Co., LLC  
Attn: Daniel E. Hopkins, Executive Vice President  
and Chief Financial Officer  
1170 S. Devon Park Drive, Suite 104  
Wayne, PA 19087  
Phone: (610) 535-6900  
Fax: (610) 672-0648  
Email: [dhopkins@celloneration.com](mailto:dhopkins@celloneration.com)

With a copy to:  
Todd Slamowitz  
Lucas, Nace, Gutierrez & Sachs, LP  
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McLean, VA 22102  
Phone: (703) 584-8678  
Fax: (703) 584-8696  
Email: [tslamowitz@fcclaw.com](mailto:tslamowitz@fcclaw.com)

**Assignee Contact Information (Post-Transaction)**

ITC Global, Inc.  
Attn: Joseph A. Spytek, President  
One Progress Plaza, Suite 700  
St. Petersburg, FL 33701  
Phone: (727) 898-3895  
Fax: (727) 499-7918  
Email: [jspytek@itcglobal.net](mailto:jspytek@itcglobal.net)

With a copy to:

Dennis C. Brown  
8124 Cooke Court, Suite 201  
Manists, VA 20109-7406  
Phone: (703) 365-9437  
Fax: (703) 365-9456  
Email: [curt@curtbrownlaw.com](mailto:curt@curtbrownlaw.com)

**Section 63.18(d)**

The Assignor, Broadpoint, currently holds the following international authorization as a facilities-based carrier under Section 214 of the Act: ITC-AS-201000419-00168. The Assignee, ITC, does not currently hold any international authorization under Section 214 of the Act.

**Section 63.18(h) (Assignee)**

Michael Monier (Monier), indirectly, through his controlling interest in Five Spotted Partners, holds 21.58% of ITC. Monier is a citizen of the United States and his mailing address is 115 East 69th Street, New York, NY 10021. Monier's principal activity is banking.

Charles Morgan (Morgan), indirectly, through his controlling interest in Seaspin Pty Ltd. Aphrodite Trust A/C (Seaspin), holds 16.69% of ITC. Morgan is a citizen of Australia and his mailing address is P.O. Box 1100, West Perth, WA 6005, Australia. Morgan's principal activity is that of Managing Director of Seaspin.

Joseph A. Spytek (Spytek) owns 10.0% of ITC. Spytek is a citizen of the United States and his mailing address is One Progress Plaza, Suite 700, St. Petersburg, FL 33701. Spytek's principal activity is that of President of ITC.

Irwin Noval (Noval) owns 10.01% of ITC. Noval is a citizen of the United States and his mailing address is 444 Old Short Hills Road, Short Hills, NY 07078. Noval's principal activity is that of President of Abalon Exterminating.

#### **Exclusion of Service**

ITC does not request authorization to communicate with Cuba.

#### **Foreign Carriers**

ITC is not affiliated or otherwise related to any foreign carrier on any of the routes which ITC proposed to provide service in this application. ITC is not a foreign carrier and is not affiliated with a foreign carrier on any of the routes it proposed to resell international telecommunications service. ITC is not affiliated with any foreign carrier on any of the routes it proposes to provide services.

#### **Streamlined Processing**

This application is eligible for streamlined processing pursuant to Section 63.12 of the Commission's Rules, 47 C.F.R. § 63.12. Neither ITC nor any entity that holds a 10 percent or greater interest in ITC is affiliated with a foreign carrier in a destination market. See, 47 C.F.R. § 63.12(c)(1). Following consummation of the proposed transaction, neither ITC, nor any entity that holds 10 percent or greater interest in ITC, will be affiliated with any dominant United States carrier whose international switched or private line service ITC seeks authority to resell. See, 47 C.F.R. § 63.12(c)(2).

ITC is attaching, hereto, a Request for Declaratory Ruling that the public interests will not be adversely affected by the total holdings of two Australian citizens and one citizen of the United Kingdom in excess of 25% of the capital shares in ITC.

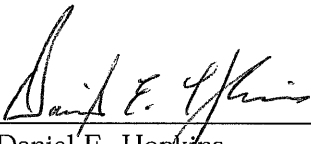


**CONCLUSION**

ITC respectfully requests that the Commission grant it authority to provide the international telecommunications facilities-based services pursuant to Section 214 of the Communications Act of 1934, as amended. As demonstrated above, ITC is well-qualified to acquire, control, and make beneficial public use of the FCC Licenses. For these reasons, Commission grant of consent for the transaction described in this application is warranted.

Respectfully submitted,  
BROADPOINT LICENSE CO., LLC

Respectfully submitted,  
ITC GLOBAL, INC.

By   
Daniel E. Hopkins,  
Executive Vice President and  
and Chief Financial Officer

By: \_\_\_\_\_  
Joseph A. Spytek,  
President

Broadpoint License Co., LLC  
1170 S. Devon Park Drive, Suite 104  
Wayne, PA 19087  
(610) 535-6900

ITC Global, Inc.  
One Progress Plaza, Suite 700  
St. Petersburg, FL 33701  
(727) 898-3895

Dated: 3/2/11

Dated: \_\_\_\_\_

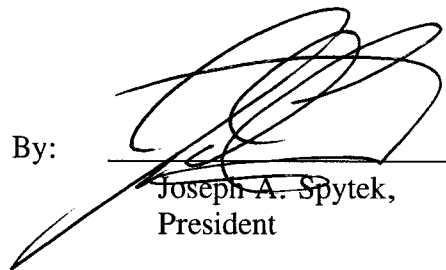
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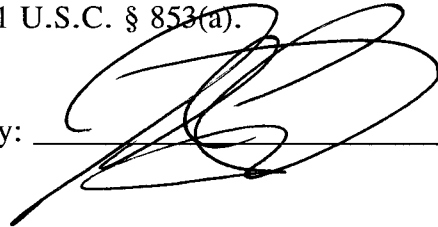
Dated: 4 May 2011

## CERTIFICATE

The undersigned hereby certifies on behalf of ITC Global, Inc. (ITC), with respect to the foregoing application for authority to provide international services, that:

1. ITC is not affiliated with any foreign carrier in any of the countries in which it proposes to provide service in the foregoing application.
2. ITC will comply with the terms and conditions contained in Sections 63.21, 63.22, and 63.23 of the Commission's Rules, 47 C.F.R. §63.21-61.23.
3. ITC does not seek to provide international telecommunications service to any destination where: (1) ITC is a foreign carrier in that country; (2) ITC controls a foreign carrier in that country; (3) any entity that owns more than a 25% interest in ITC, or controls ITC, controls a foreign carrier in that country; or (4) two or more parties own, in the aggregate, more than 25% of ITC and are parties to, or the beneficiaries of, a contractual relationship that affects the provision or marketing of international basic telecommunications services in the United States.
4. ITC has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any United States international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the United States market and will not enter into such agreements in the future.
5. No party to this application is subject to a denial for Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853(a).

By: \_\_\_\_\_

Title: President & CEODate: 4 May 2011

REQUEST FOR DECLARATORY RULING

ITC Global, Inc. (ITC), pursuant to Section 1.2 of the Commission's Rules, respectfully requests a declaratory ruling that the public interest will not be adversely affected by direct and indirect ownership in ITC by two citizens of Australia and one citizen of the United Kingdom, totalling in excess of 25 percent of the ownership interests in ITC.

Seaspin Pty Ltd., Aphrodite Trust A/C (Seaspin) holds 16.7% of the capital stock of ITC. Seaspin is an Australian corporation. Controlling interest in Seaspin is held by Charles Morgan, a citizen of Australia.

Christopher R. Hill, a citizen of Australia, holds 8.6% of the capital stock of ITC in his own right.

CRH Telnet (CRH), an Australian corporation, holds 0.2% of the capital stock of ITC. CRH is controlled by Christopher R. Hill.

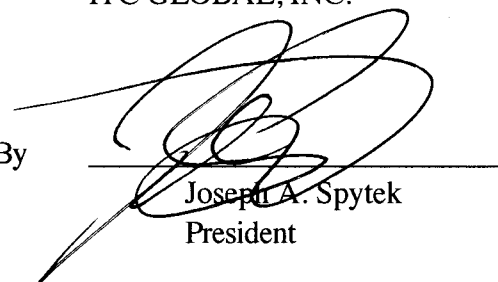
Simon Bull, a citizen of the United Kingdom, holds 4.8% of the capital stock of ITC.

Collectively, these three individuals hold, directly and indirectly, 30.3% of the capital stock in ITC.

Consistent with the Commission's policy concerning citizens of nations which are members of the World Trade Organization, ITC respectfully requests that the Commission declare that the public interest would not be adversely affected by these citizens of Australia holding more than one-fifth of the capital stock of ITC.

Respectfully submitted,  
ITC GLOBAL, INC.

By



\_\_\_\_\_  
Joseph A. Spytak  
President

Dated: \_\_\_\_\_

4 May 2011