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Granted

Date: November 22, 2016

authorized by Chief, Telecommunications and Analysis Division, International Bureau

signature: *Heleno Coca*

Expires: May 19, 2017

Re: ITC-ASG-20160609-00166

International Bureau

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington D.C. 20554

In the Matter of:)
)
Etelix.com USA, LLC)
 And)
 Application for Special Temporary)
 Authority to Offer International Services)
 Pursuant to Section 214 of the)
 Communications Act of 1934, as Amended)

File No.: ITC-ASG-20160609-00166 and
 File No.: ITC-214-20090625-00303

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Etelix.com USA, LLC ("ETELIX ") by and through its attorneys, hereby requests Special Temporary Authority to temporarily provide international telecommunications services and to operate pursuant to 47 U.S.C. § 214, as amended (herein called the "STA Application"), while an application is presently before the Federal Communications Commission (the "Commission") for permanent Authority pursuant Section 214 of the Communications Act of 1934, as amended and codified under 47 U.S.C. § 214 et al (the "Act").

BACKGROUND

ETELIX is Florida limited liability company that provides international long distance calling services to end-user consumers within the United States and Internationally under prior Commission Authority.¹ ETELIX has previously applied for the Commission's Consent to Assign and Transfer Assets (excluding underlying Section 214 Authority) of an International Common Carrier, Future Voice, LLC *d/b/a* "Voyze" ("Voyze"), and specifically a limited base of Voice over IP and IP PBX account customers/subscribers who use international long distance services.² The Assignment, and the underlying application, are the result from a settlement stipulation reached in a civil action under Case No. 2015-006909-CA-01 *In RE: FUTURE VOICE, LLC, assignor, to JOHN A. MOFFA, assignee*, before the Circuit Court in and for Miami-Dade County, Florida. This civil action was an Assignment for the

¹ See File No.: ITC-214-20090625-00303 (03/09/2010).

² See Etelix.com USA, LLC's Application for Authority to be assigned and transferred assets of Voyze and provide international facilities-based and resold services to its customers, File Number ITC-ASG-20160609-00166 submitted on 6/9/2016.

Benefit of Creditors initiated by Voyze but which did proceed to final hearing due to the stipulated settlement.³ As a part of the final stipulated settlement, the case was closed by a Judicial Order that mandated that Voyze close its operations and assign its clients to ETELIX by a date established by the court (6/17/2016). That date has now come, and passed, and Voyze has been granted prior extensions of that date, to which no further extensions are now available from the court. The necessity for the extensions involved the Commission itself. As a part of the final settlement, the Commission and USAC presented themselves as creditors of Voyze, who owed back-due regulatory debt and was under Red Light Status at the time of the Assignment for the Benefit of Creditors ("ABC"). ETELIX intervened in the ABC proceedings and offered to buy the assets of Voyze in exchange for the purchase price being dedicated to settling debts with outstanding creditors, including the Commission and USAC. As of June 2016, the settlement payment to the Commission and USAC has been effectuated by the parties, and verbal confirmation that Voyze had been removed from Red Light status has been given by their legal counsel. However, publically available Commission records do not reflect this and the dates for compliance for the Judge's Order have been extended to their limits. ETELIX now submits this request for Special Temporary Authority so that it may comply with the Judicial Order and continue service for approximately one thousand four hundred twenty-eight (1,428) subscriber customers of Voyze under its International Section 214 Authority.

ETELIX is a small-sized company in the United States that is currently owned by a foreign owner.⁴ ETELIX is presently in under Team Telecom Review for its application under ITC-ASG-20160609-0016. The purpose for which ETELIX seeks Temporary Authority at this time is to assume the business of the one thousand four hundred twenty-eight (1,428) subscriber customers of Voyze, so that Voyze may close its business in accord with the Judicial Order. ETELIX desires to be compliant with the Commission's Rules, the Settlement Stipulation, and the Judicial Order and therefore respectfully requests temporary authority to provide these subscribers service. ETELIX also recognizes that the Executive Branch's review process is not streamlined and may toll for a period of time. ETELIX believes that Special Temporary Authority is proper under these circumstances to not frustrate the Judicial Order in civil action *In RE: FUTURE VOICE, LLC, assignor, to JOHN A. MOFFA, assignee*, Case No. 2015-006909-CA-01. This will allow the FCC and Executive Branch proper time to review ETELIX's qualifications for underlying Assignment application. ETELIX herein seeks such special and temporary authority only for sufficient time that the Commission and the Executive Branch may complete their review of ETELIX'

³ Case No. 2015-006909-CA-01 was not a federal bankruptcy but a private cause of action in Florida which as a result of the settlement agreement was resolved between creditors of Voyze privately, including USAC and the FCC who were represented by legal counsel in the proceedings.

⁴ See Note 1 at Page 5 of the Etelix Assignment Application before the Commission.



application under File Number ITC-ASG-20160609-00166 and is willing to submit extensions of any STA granted to cover such time periods. In the event ETELIX is denied consent to the assignment, tentative emergency arrangements have been made with other carriers to temporarily sustain service for a very limited period. This has been established by ETELIX only as a contingency of last resort.

REQUEST FOR SPECIAL AUTHORITY

ETELIX hereby request Special Temporary Authority to temporarily provide international telecommunications services and to operate pursuant to 47 U.S.C. § 214 for the interim period that it may take to be properly reviewed by the Commission in an Application for a grant of permanent Authority, or alternatively a six (6) month period that may be extended by further petition, and for any operation from time tolling since its Section 214 Application due to the unique and extra-ordinary nature of ETELIX 's circumstances in compliance with the Judicial Order in Miami-Dade Circuit Case No. 2015-006909-CA-01. ETELIX recognizes that Section 214(a) of the Act prohibits any carrier from constructing, extending, or operating any line, and from engaging in transmission through any such line, *"unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity" require, or will require, the construction, extension, or operation of the line.*⁵ ETELIX recognizes that it is required to obtain consent prior to the assignment of subscribers and rendering of International Telecommunication Services to such subscribers. ETELIX submits that it is undertaking an affirmative effort to be compliant with the Act and the Commission's Rules by seeking this Special Authority. ETELIX is prepared to meet all other compliance requirements associated with services to the one thousand four hundred twenty-eight (1,428) subscriber customers in question. ETELIX is not on Red Light Status and is current with invoices for contributions to regulatory mechanisms and fees.

ETELIX further recognizes that application to the Commission pursuant to 46 C.F.R § 63.18 require that *"any party seeking authority pursuant to Section 214 ... for the provision of common carrier communications services between the United States, its territories or possessions, and a foreign point shall request such authority by formal application"* is required and has done so a pre-requisite to this STA request.⁶ In making its request for Special Temporary Authority, ETELIX acknowledges that its foreign ownership will require consultation by the Commission with the Executive Branch agencies in regard to national security, law enforcement, foreign policy and trade issues and concerns that are unique to the

⁵ 47 U.S.C. § 214(a).

⁶ 47 C.F.R. § 63.18.



Team Telecom Review.⁷ It is acknowledged that such review is not streamlined, and the Commission as well as Team Telecom may require time to review ETELIX' full Application for assignment of Voyze's assets. To avoid any possibility of violation of the Act or the Judicial Order, ETELIX hereby submits this Request for Special Temporary Authority.

IMPACT STATEMENT

The grant of this STA request will serve the public interest, convenience and necessity because such grant will permit ETELIX to provide regulated services to subscriber customers that ETELIX will assume in fiscal year 2016 and who will rely on ETELIX for their telecommunication needs thereafter. The grant of this STA will further ensure that ETELIX can continue to meet the needs of subscriber customers of Voyze after its court ordered caseation of business and while ETELIX' underlying application for assignment is considered by the Commission. ETELIX is a small-sized non-dominant carrier and this STA application does not raise anti-competitive concerns.

ETELIX acknowledges that the grant of this STA request will not prejudice any action the Commission may take on the underlying application that seeks Commission approval for consent to assign assets pursuant to 47 U.S.C. § 214. ETELIX further acknowledges that grant of this STA may be revoked by the Commission upon its own motion without hearing. In the event ETELIX is denied authority or the STA is revoked by the Commission without grant of final authority, tentative emergency arrangements have been made with other carriers to temporarily sustain service for a very limited period as a contingency of last resort.

⁷ See, *1998 International Biennial Review Order*, 14 FCC Rcd at 4914-15 ¶ 14; *PCIA Forbearance Order*, 13 FCC Rcd at 16882 ¶ 50.



CONCLUSION

For the above reasons, Etelix.com USA, LLC respectfully requests that the Commission grant it special temporary authority to provide international telecommunications services in the areas described in the STA Application for a six (6) month period that may be extended by subsequent STA Applications, if needed.

Respectfully Submitted,

Etelix.com USA, LLC

By: 

Mr. Leandro Iglesias, Manager

By and through its attorney for this application:

Edward A. Maldonado, Esq.

Limited Regulatory Counsel for Etelix.com USA, LLC for the purpose
Of this Request for special temporary authority.

Maldonado Law

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Please Direct STA Petition Correspondence to above Regulatory Counsel.

REQUEST FOR SPECIAL TEMPORARY AUTHORITY
Verification by Corporate Officer

I, Mr. Leandro Iglesias, Manager of Etelix.com USA, LLC a Florida Limited Liability Company, hereby certify the following:

1. I have read the foregoing Request for Special Temporary Authority, and, to the best of my knowledge, all of the states therein are true and correct; and
2. No party to this application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

I declare under the penalty of perjury that the foregoing is true and correct

Etelix.com USA, LLC

By :

Mr. Leandro Iglesias, Manager