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December 7, 2015

Via IBFS Electronic Submission

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: Request to Modify International 214 Authorizations: Virgin Mobile USA, L.P. (ITC-214-20020422-00194) and Helio, LLC (ITC-214-20050812-00320)

Dear Ms. Dortch:

Sprint Corporation (Sprint) respectfully requests that the Federal Communications Commission (Commission), pursuant to Sections 63.22(h) and 63.23(e) of the Commission's rules,¹ modify the above-referenced international 214 authorizations held by Virgin Mobile USA, L.P. and Helio, LLC, operating subsidiaries of Virgin Mobile USA, Inc., by removing certain conditions rendered moot.

By way of background, on September 11, 2009, the Commission approved the transfer of control of two international Section 214 authorizations held by Virgin Mobile USA, Inc. (through each of its operating subsidiaries -- Virgin Mobile USA, L.P. (Virgin Mobile) and Helio, LLC (Helio)) to Sprint.² To facilitate that approval, Sprint had agreed to abide by certain national security, law enforcement and public safety commitments Helio made and to which Virgin Mobile had become a party.³ Helio's original commitments are outlined in its January 10, 2006 letter to the Department of Justice (DOJ),

¹ 47 C.F.R. §§ 63.22(h) and 63.23(e).

² See *Public Notice* (Report No. TEL-01384) rel. Sept. 17, 2009 (File Nos. ITC-T/C-20090813-00379 and ITC-T/C-20090820-00387).

³ *Id.*

Federal Bureau of Investigation (FBI) and the Department of Homeland Security (DHS).⁴ Helio's commitments, made in connection with its receipt of international 214 authority, were designed to assist those agencies with national security, law enforcement and public safety issues. When Virgin Mobile acquired Helio, Virgin Mobile had agreed to become a party to the January 10, 2006 Letter and extend them to Virgin Mobile's existing customers as a condition of the Commission's approval of the transaction.⁵

When Sprint subsequently sought approval to acquire control of Virgin Mobile, Sprint agreed to abide the Helio/Virgin Mobile commitments to facilitate regulatory approval.⁶ In its application, Sprint noted that because Virgin Mobile would operate as a separate entity immediately following the transaction, Virgin Mobile would continue to be responsible for providing customer records to government entities pursuant to lawful requests.⁷ Sprint indicated, however, that once Sprint's legal compliance team assumed responsibility for responding to such requests, Sprint may ask that the Helio/Virgin Mobile commitments be rescinded as moot.⁸

Since Sprint acquired Virgin Mobile, Sprint's legal compliance team has assumed Virgin Mobile's responsibility for responding to such lawful requests. Furthermore, Sprint has made additional commitments as part of the 2013 National Security Agreement that the company entered into with the Departments of Defense, Justice and Homeland Security that render the Helio/Virgin Mobile obligations moot.⁹ Sprint has consulted with the relevant Executive Branch agencies, and they have no objection to the proposed modification. Accordingly, Sprint respectfully requests that the Commission modify the above-referenced international 214 authorizations held by Virgin Mobile USA, L.P. and Helio, LLC by removing the Helio/Virgin Mobile commitment conditions.

⁴ See letter dated January 10, 2006 from Helio to Laura H. Parsky, Deputy Assistant Attorney General of the DOJ's Criminal Division; Elaine M. Lammert Deputy General Counsel of the FBI and Tina W. Gabbrelli, Director of Intelligence Coordination and Special Infrastructure Protection Programs in the DHS Information Analysis and Infrastructure Protection Directorate (January 10, 2006 Letter).

⁵ See *Joint Application of Helio Inc., SK Telecom USA Holdings, Inc. and Virgin Mobile USA, L.P.*, at 15-16. That transfer of control application (File No. ITC-T/C-2008701-00293) was granted on August 11, 2008. See *Public Notice* (Report No. TEL-01297) rel. August 14, 2008. See also letter dated July 21, 2008 from Virgin Mobile to Honorable J. Patrick Rowan, Acting Assistant Attorney General of the DOJ's National Security Division; Mr. Robert S. Gorman, General Counsel of the Defense Information Systems Agency; Ms. Elaine N. Lammert, Deputy General Counsel of the FBI; and Mr. Stewart Baker, Assistant Secretary for Policy in the DHS Office of Foreign Finance and Investment Policy.

⁶ See *Joint Application of Virgin Mobile USA, Inc. and Sprint Nextel Corporation* at 11.

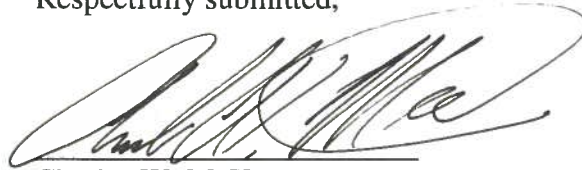
⁷ *Id.*

⁸ *Id.*

⁹ See Applications of SoftBank Corp., Starburst II, Inc., Sprint Nextel Corp, and Clearwire Corp. For Consent to Transfer Control of Licenses and Authorizations and Petitions for Reconsideration of Applications of Clearwire Corporation for *Pro Forma* Transfer of Control, IB Docket No. 12-343, 28 FCC Rcd 9642 ¶¶ 127-31 (2013).

Please let us if you have questions or need additional information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Charles W. McKee', written over a horizontal line.

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Vice President, Government Affairs
Federal & State Regulatory

Maria Cattafesta
Senior Counsel, Government Affairs

cc: (via electronic mail)

Denise Coca (International Bureau, Federal Communications Commission)
David Krech (International Bureau, Federal Communications Commission)
Rick Sofield (Department of Justice)
Jennifer Cassanelli (Department of Justice)
Shawn Cooley (Department of Homeland Security)
Robert Watson (Department of Defense)