

**Before the
FEDERAL COMMUNICATION COMMISSION
Washington D.C. 20554**

In the Matter of:)
)
AGCOM Group, Inc.)
And)
) **File No. ITC-214-20100914-00364**
Application for Special Temporary)
Authority to Offer International Services)
Pursuant to Section 214 of the)
Communications Act of 1934, as Amended)

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

AGCOM Group, Inc. ("AGCOM ") by 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 application is being contemporaneously sought by 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

AGCOM is Florida corporation which desires to provide international long distance calling services to end-user consumers within the United States and Internationally. AGCOM is submitting this request for Special Temporary Authority contemporaneously with its International Section 214 Application to operate pursuant to 47 U.S.C. § 214 in an expedited manner. AGCOM is a small-sized company in the United States that is currently owned by a foreign owner.¹ The purpose of AGCOM seeking Section 214 Authority at this time is to assume the business of an existing base of end-user clients receiving telecommunication services from another Common Carrier. This carrier is aggressively phasing-out its retail and end-user services and AGCOM has been created to assume control of this business sector and these end-users. Negotiations have lingered in regard to this transaction over a series of months, but have recently come to a point where the parties are in agreement as to terms and the continuity of service to end-users within any transition of the client base. Unfortunately, the transition of end-user accounts and

¹ See AGCOM Group, Inc.'s Application for Authority to provide international facilities-based and resold services File Number ITC-214-20100914-00364 submitted 9/10/2010.

associated carrier agreement had been contemplated by the parties to be undertaken by the beginning of the forth fiscal quarter of 2010 with full completion by the end of fiscal year 2010. Since there was uncertainty whether AGCOM would indeed acquire the client base, application for Section 214 Authority was sought only when the transaction and logistical transition both appeared to be coming to fruition. Although the end-user client base that AGCOM will eventually assume a relatively small volume of client accounts, AGCOM desires to be compliant with the Commission's Rules.

For this purpose, AGCOM applied for Section 214 authority from the Commission under File No.: ITC-214-20100914-00364 on September 10, 2010 indicating to the Commission in its application that it does have foreign ownership interests in the company. As of September 16, 2010 the file has been set for Public Notice, but has not been removed from streamline processing for referral to the Executive Branch for approval as foreign investment in the telecommunications sector. AGCOM recognizes that referral to the Executive Branch for review is essential to any approval by the FCC for the Company to operate pursuant to 47 U.S.C. § 214. AGCOM also recognizes that the Executive Branch's review process is not streamlined and may toll for a period of time of a year or longer than the end of fiscal year 2010. AGCOM believes that Special Temporary Authority is proper to not frustrate its present contractual obligation to assume the end-users accounts; continue continuity of service to these clients and assume the necessary commitments to the existing carriers that support them; and to allow the FCC and Executive Branch proper time to review AGCOM's qualifications for Section 214 Authority, contemporaneously with its Section 214 Application. AGCOM seeks such special and temporary authority only for sufficient time that the Commission and the Executive Branch may complete their review of AGCOM's application under File Number ITC-214-20100914-00364 and is willing to submit extensions of any STA granted to cover such time periods. In the event AGCOM is denied permanent authority by the Commission, tentative emergency arrangements have been made with other carriers to temporarily sustain service for a very limited period. This has been established by AGCOM only as a contingency of last resort - as the telecommunication business of AGCOM would be entirely frustrated in such an event.

REQUEST FOR SPECIAL AUTHORITY

AGCOM 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 AGCOM's circumstances in acquiring a small base of end-user clients. AGCOM 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.² AGCOM recognizes that it is required to obtain Section 214 Authority prior to the rendering of International Telecommunication Services to the public. AGCOM submits that it is undertaking an affirmative effort to be compliant with the Act and the Commission’s Rules by seeking this Special Authority. AGCOM is prepared to meet all other compliance requirements of the Commission including registration of a Form 499 Filer ID with USAC, the development of policies and reporting of CPNI compliance, and the payment of regulatory fee contributions, including TRS, LNP, NANPA, and FCC Fund contributions where applicable and required by the Commission’s Rules for any services rendered under Temporary Authority.

AGCOM 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.³ In making its request for Special Temporary Authority, AGCOM 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 Team Telecom Review.⁴ It is acknowledged that such review is not streamlined, and the Commission as well as Team Telecom may require time to review AGCOM’s full Application for Section 214 Authority. This process may take several months to a year, and AGCOM does not wish to be in violation of the Act during this time period where it must provide services to sustain its market entry and support end-users it will assume from another carrier. To avoid any possibility of violation of the Act, AGCOM 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 AGCOM to provide regulated services to the clients that AGCOM will assume in fiscal year 2010 and who will rely on AGCOM for their telecommunication needs thereafter. The grant of this STA

² 47 U.S.C. § 214(a).

³ 47 C.F.R. § 63.18.

⁴ See, *1998 International Biennial Review Order*, 14 FCC Rcd at 4914-15 ¶ 14; *PCLA Forbearance Order*, 13 FCC Rcd at 16882 ¶ 50.

will further ensure that AGCOM can continue to meet the needs of the telecommunication clients it will be transitioned while its underlying application for authority is considered by the Commission. Likewise, AGCOM is a small, new entrant provider to the telecommunications sector, and the application does not raise anti-competitive concerns.

AGCOM 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 authority to operate pursuant to 47 U.S.C. § 214. AGCOM further acknowledges that grant of this STA may be revoked by the Commission upon its own motion without hearing. In the event AGCOM 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.

CONCLUSION

For the above reasons, AGCOM Group, Inc. respectfully requests that the Commission grant it special temporary authority to provide international telecommunications services in the areas described in the STA Application until such time as the Commission acts upon AGCOM's Formal Application for permanent Authority pursuant to 47 U.S.C. § 214, as amended or alternatively a six (6) month period that may be extended by further STA Application.

Respectfully Submitted,

AGCOM Group, Inc.

By :

Ms. Lina Betancur, President and Director

By and through its attorney for this application:

Edward A. Maldonado, Esq.

Limited Regulatory Counsel for AGCOM Group, Inc. for the purpose
Of this Request for special temporary authority.

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Please Direct STA Petition Correspondence to above Regulatory Counsel.

REQUEST FOR SPECIAL TEMPORARY AUTHORITY
Verification by Corporate Officer

I, Lina Betancur, President and Director of AGCOM Group, Inc. a Florida Corporation, 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 forgoing is true and correct

AGCOM Group, Inc.

By: 

Ms. Lina Betancur,

President and Director