

ATTACHMENT NO. 1

Request for Special
Temporary Authority
Under Section 214
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REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Pursuant to the provisions of Section 309(f) of the Communications Act of 1934, as amended, 47 U.S.C. §309(f) and Section 63.25 of the Commission's Rules, 47 C.F.R. §63.25, it is hereby requested that Special Temporary Authority ("STA") be granted to Start Wireless Group, Inc. d/b/a/ Page Plus Cellular (hereinafter "Page Plus"), to permit it to operate *strictly as a reseller* of international telecommunications services. Page Plus engages in the business of selling prepaid calling cards for long-distance telephone service both domestically and internationally, and the sale of prepaid cellular telephone service. Any delay in the institution of such temporary authority, would seriously prejudice the public interest. The need for an immediate STA is to safeguard the public interest by avoiding an interruption of services being provided as indicated *infra*.

In response to a Commission Letter of Inquiry ("LOI") of October 14, 2010, from the Chief, Spectrum Enforcement Division of the Enforcement Bureau, to Page Plus, and pursuant to a grant of an extension of time in which to respond, there was filed with the Commission, on November 24, 2010, the Page Plus response to the Commission's LOI. By its LOI, the Commission had advised Page Plus that the Bureau was investigating whether Page Plus "may

have violated section 214 of the Communications Act of 1934, as amended (“the Act”), 47

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U.S.C. §214, and Part 63 of the Commission’s rules, 47 C.F.R. Part 63.” The letter further stated that Page Plus “may have commenced international telecommunications service without Commission authorization, in violation of section 214 of the Act and sections 63.12(d) and 63.18 of the Commission’s rules 47 C.F.R. §§63.12(d), 63.18.”

Significantly, Page Plus owns no lines; has not constructed any line; does not plan to construct any new line or extension of any line; has not acquired, and does not plan to acquire, any line; nor has it engaged in the transmission over, or by means of, such additional or extended line(s). Neither does it maintain or operate any line. It neither owns nor leases any assets used in the provision of telecommunications services, either domestic, or international. It is, as stated, simply a *reseller* of prepaid services which capacity is purchased from Verizon Wireless. As such, there are no costs of construction associated with supplying the service Page Plus provides.

Counsel for Page Plus has met with, and on several occasions spoken by phone with, representatives of the Enforcement Bureau regarding the Commission’s inquiry and the question of the applicability of Section 214 of the Act to the operations of Page Plus. Upon conducting extensive research on the facts and the law applicable to the operations of Page Plus, it is the clear and unquestioned position of Page Plus and its FCC Counsel that the provisions of Section 214 of the Act, and correspondingly, Sections 63.12(d) and 63.18 of the Commission’s rules, are

not applicable to Page Plus.

The reasons for Page Plus adopting this posture were articulated by its counsel at a meeting with several members of the Enforcement Bureau. To date, not one contradictory legal position or statement with respect thereto, has been advanced by any member of the Bureau's staff refuting the arguments detailed at that meeting. There is, however, no point to recounting those arguments and the rationale therefor at this time, because, notwithstanding the belief by Page Plus and its counsel that it is *not* bound to adhere to the requirements of Section 214 and the Commission's rules relative thereto, Page Plus *is filing*, contemporaneously herewith, an Application for Authority Pursuant to Section 214 of the Act to operate as a reseller of international telecommunications service. However, it also is necessary to submit this instant Request for STA to facilitate the continued operations of Page Plus while its Application for Section 214 Authority remains pending before the Commission. Accordingly, Page Plus hereby requests an STA to continue to operate *strictly as a reseller* of international telecommunications services for a period of 180 days, or until its Application for Section 214 Authority has been granted, whichever occurs first.

Emergency circumstances clearly related to safety of life and property issues are inherently intertwined with many of the calls made via the resale services provided by Page Plus

through prepaid international telecommunications services. Those calls could include calls

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concerning the health and well-being of far-removed friends, relatives or business associates who may be either ill, have been in an accident, or have been unfortunate enough to have been in harm's way in the midst of a natural disaster. Similarly, under certain circumstances prepaid phones or calling cards might be used by suppliers, advisors, emergency management personnel, medical personnel, and others to contact on-site individuals or groups providing all types of relief aid at the scene(s) of catastrophic occurrences (*e.g.*, floods, volcanoes, earthquakes).

As described herein, a grant of the STA would facilitate the uninterrupted provision of international resale services to a large number of subscribers pending the anticipated processing and grant of the Application for Section 214 Authority. At this point in time, Page Plus literally has tens of thousands of customers who rely on its resale of international telecommunications service to communicate with friends, relatives, or business associates overseas. It is not known whether any of those customers would have the ability to communicate to international destinations should they suddenly lose service from Page Plus. In addition, Page Plus has participated in a program known as "Phones for Soldiers" pursuant to which it has donated refurbished phones and calling minutes having a value of several thousand dollars for use on a free basis by U.S. military personnel. To have that service interrupted in any way would be a travesty. Indeed, Congress and the Commission view the discontinuation of telecommunications

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service as very significant, inasmuch as Section 214 not only requires *prior approval* to construct new lines, but it also requires Commission authority to *discontinue* service, as well.

Response to
Item No. 16

**APPLICATION FOR SECTION 214
SPECIAL TEMPORARY AUTHORITY
RESPONSE TO ITEM NO. 16**

Response to §63.18(d) of the Commission's Rules:

The Applicant has not previously received authority under Section 214 of the Act.

Response to §63.18(e)(3) of the Commission's Rules:

The Applicant is *not* applying for authority to acquire facilities or to provide services not covered by (either) paragraphs (e)(1) or (e)(2) of Section 63.18 of the Commission's Rules. Applicant is applying for authority to provide services covered by Section 63.18(e)(2) of the Commission's Rules.

Response to §63.18(g) of the Commission's Rules:

The Applicant is not seeking facilities-based authority.