

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

In the Matter of: )  
)  
*AGCOM Group, Inc.* )  
And )  
) File No. **ITC-214-20100914-00364**  
) **ITC-STA-20101014-00403**  
Application for Special Temporary )  
Authority to Offer International Services )  
Pursuant to Section 214 of the )  
Communications Act of 1934, as Amended )

**THIRD REQUEST FOR EXTENSION OF SPECIAL TEMPORARY AUTHORITY**

AGCOM Group, Inc. (“AGCOM”) by its attorneys, hereby requests an Extension of Special Temporary Authority (“STA”) set to expire on May 11, 2011 in order 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. (herein called 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 a small-sized company in the United States that is currently owned by a foreign owner.<sup>1</sup> 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. The selling 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. AGCOM applied for Section 214 authority from the Commission under File No.: ITC-214-20100914-00364 on September 10, 2010 and subsequently filed an Assignment of Assets for the Customer Base on January 14, 2011 under File No.: ITC-ASG-20110114-00015. As of this date, the

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<sup>1</sup> 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.

application is under review by the United State Department of Justice, Foreign Investment Review Staff, National Security Division (“Executive Branch”) in order to obtain consent to the grant of authority and assignment of assets due to AGCOM’s foreign ownership. AGCOM recognizes that referral and review by the Executive Branch is essential to any approval of the Commission 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. AGCOM believes that an extension of its 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 Assignment of Assets 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 ITC-ASG-20110114-00015. 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 requests an extension of Special Temporary Authority under ITC-STA-20101014-00403 to temporarily provide international telecommunications services and to operate pursuant to 47 U.S.C. § 214 for a six (6) month period. 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.<sup>2</sup> 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 a prior Special Temporary Authority and this extension of Special Temporary 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

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<sup>2</sup> 47 U.S.C. § 214(a).

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 requires 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.”*<sup>3</sup> In making its request for an extension of Special Temporary Authority, AGCOM acknowledges that its foreign ownership will require review and consent by Executive Branch in regard to national security, law enforcement, foreign policy and trade issues, and that, such concerns are unique to Team Telecom Review.<sup>4</sup> It is acknowledged that such review is not streamlined, and now requires further time to review AGCOM's full Application(s) for Authority and Assignment of Assets. This process may take several months to a year. AGCOM does not wish to be in violation with the Act during this time period insofar as 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 an extension Special Temporary Authority initially granted under File No.: ITC-STA-20101014-00403.

#### IMPACT STATEMENT

The grant of this Special Temporary Authority (“STA”) extension request will serve the public interest, convenience and necessity because such grant will permit AGCOM to provide regulated services to the end-user clients that relied on AGCOM for their telecommunication needs since the issuance of the original STA under File No.: ITC-STA-20101014-00403. The grant of this STA extension 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 extension 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

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<sup>3</sup> 47 C.F.R. § 63.18.

<sup>4</sup> See, *1998 International Biennial Review Order*, 14 FCC Rcd at 4914-15 ¶ 14; *PCIA Forbearance Order*, 13 FCC Rcd at 16882 ¶ 50.

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. As a prerequisite to making this application, AGCOM has requested and has received the Consent of the Executive Branch, as to the extension of this STA.

### CONCLUSION

For the above reasons, AGCOM Group, Inc. respectfully requests that the Commission grant it an extension of special temporary authority under File No.: ITC-STA-20101014-00403 to provide international telecommunications services in the areas described in the Request for Extension 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 for a six (6) month period - whichever may be longer.

Respectfully Submitted,                      Date: November 4, 2011

AGCOM Group, Inc.

By : /s/ Lina Betancur /s/

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 this special temporary authority.

**Maldonado Law Group**

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**Please Direct STA Petition Correspondence to above Regulatory Counsel.**

**THIRD 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 Extension of 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

AGCOM Group, Inc.

Date: November 4, 2011

By : /s/ Lina Betancur /s/

Ms. Lina Betancur,

President and Director