

## **Attachment 1**

**QUESTION 10. In Attachment 1, provide justification of need for special temporary authority requested.**

**ANSWER:** Five9 has been providing resale of international telecommunications services for several years but, as a result of good faith reliance on previous legal advice, was unaware of its need to register with the Federal Communications Commission (the "Commission") or to secure Section 214 authorization. Five9 has now registered with the Commission as a contributor to the Universal Service Fund and is required to bring itself into compliance as promptly as possible under Section 214. Following a voluntary disclosure of its failure to register with the Commission as a reseller of long distance services, it has also responded to a Letter of Inquiry from the Enforcement Bureau, which asked for proof that Five9 has received Section 214 authorization.

On February 20, 2013, the Commission's International Bureau granted Five9's January 20, 2013 request for STA. Five9's underlying application for Section 214 international resale authority is currently under review by Team Telecom. Since the STA expires on April 16, 2013, Five9 is applying for a renewal for the maximum period of 180 days as it is expected that Team Telecom's review work will take several months to complete. Five9 is responding in a timely manner to Team Telecom's extensive triage questions.

As noted in Five9's February 15, 2013 supplemental filing to its January 20, 2013 STA request, Five9 also agrees to the following three provisions:

- (1) the STA can be modified or revoked by the Commission upon its own motion without a hearing;
- (2) the grant of the STA will not prejudice any action the Commission may take regarding Five9's underlying International Section 214 application; and
- (3) the grant of the STA does not prejudice the Commission from taking any enforcement actions for failure to comply with the Communications Act of 1934, as amended, or the Commission's rules.

Grant of Five9's request to renew their STA to provide resale of international common carrier services will expedite Five9's conformance with Commission's regulations while enabling Five9 to continue providing services to its customers and, therefore, will serve the public interest.

**QUESTION 12.** If the applicant is a foreign carrier, or is affiliated (as defined in 47 C.F.R. Section 63.09(e)) with a foreign carrier, provide in Attachment 1 the information and certifications required by Section 63.18(i) through (m).

**ANSWER:** Not applicable.

**QUESTION 16.** In Attachment 1, respond to paragraphs (d), (e)(3) and (g) of Section 63.18.

**ANSWER:** Five9 filed for Section 214 authority from the Commission on January 19, 2013 (Submission ID: IB2013000159). At this time, Applicant does not seek authority to provide service not covered by either paragraphs (e)(1) or (e)(2) of Section 63.18 of the Commission's Rules. Five9 is not seeking authority under paragraph (e)(3) of Section 63.18 of the Commission's Rules. Therefore, Section 63.18(g) is not applicable to it.