

Streamlined  
Five9, Inc.

ITC-STA-20131024-00279  
IB2013002212

NOV - 4 2013

**Granted**

date:	EXPIRES May 3, 2014	Policy Division
authorized by:	Ariel, Policy Div.	IRB
signature	James R. [Signature]	

Re version of ITC-STA-20130410-00105  
Re ITC-2147203019-000117

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 Special Temporary Authority ("STA"). Five9's underlying application for Section 214 international resale authority is currently under review by the DOJ/Team Telecom. On April 10, 2013, Five9 filed a request to renew its international Section 214 authorization, which was granted on April 18, 2013. This grant was effective until October 11, 2013.

DOJ/Team Telecom requested answers to certain "Triage Questions." Five9 filed the responses on June 14, 2013. Follow-up Triage Questions were served on Five9 on August 28, 2013, and Five9 answered those questions on September 26, 2013.

Pending the DOJ/Team Telecom's review of the Follow-up Triage Questions, Five9 is applying for another STA renewal for the same period of 180 days. As noted above, Five9's current STA expired on October 11, 2013. Due to the US Government shutdown, Public Notice DA 13-2025 states that "any STAs expiring between October 1, 2013 and October 22, 2013 are extended until November 4." Therefore, Five9 respectfully requests that its STA renewal application be granted before November 4, 2013.

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.

MODE = MEMORY TRANSMISSION

START=NOV-05 09:39

END=NOV-05 09:41

FILE NO. =755

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# INTERNATIONAL BUREAU

## Policy Division

*T. Brown*

# FAX SHEET

Fax Number: (202) 418-2824

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DATE: Nov. 4, 2013

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SPECIAL INSTRUCTIONS: Five9, Inc

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