

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 DOJ/Team Telecom.

On April 10, 2013, Five9 filed a request to renew its international 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. As of this filing, DOJ/Team Telecom has still not acted on Five9’s application for 214 authorization.

Due to the federal government shutdown in October 2013, the FCC issued Public Notice (DA 13-2025), which extended Five9’s STA deadline to November 4, 2013. On October 21, 2013, Five9 filed a request to renew its international 214 authorization, which was granted on November 4, 2013. Five9 sought renewal of the STA on April 25, 2014, and it was granted on May 2, 2014.

Because the DOJ/Team Telecom review of Five9’s application for 214 authorization is still pending, Five9 seeks STA renewal for the same period of 180 days as requested in previous renewals. Five9’s current STA expires on October 29, 2014.

As noted in Five9’s February 15, 2013 supplemental filing to its January 20, 2013 STA request, Five9 continues to agree 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 the STA to provide resale of international common carrier services will enable Five9 to continue providing services to its customers during the pendency of the review of its 214 application and will therefore serve the public interest.

QUESTION 12

If the applicant is a foreign carrier, or is affiliated (as defined in 47 CFR § 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 has not previously received authority under Section 214 of the act. 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.