

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

In the Matter of:)
)
Microtalk USA, Inc.)
)
) **File No. ITC-214-20150219-00046**
)
Application for Special Temporary)
Authority to Offer International Services)
Pursuant to Section 214 of the)
Communications Act of 1934, as Amended)

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Microtalk USA Inc (“Microtalk USA”) by its attorneys, hereby requests Special Temporary Authority to temporarily provide international telecommunications services and to operate pursuant to 47 U.S.C. § 214, as amended (herein called the “STA Application”), while its application is before 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. (The “Act”). In support of this request, Microtalk USA states as follows:

BACKGROUND

Microtalk USA is a small-sized Florida corporation that desires to provide international long distance prepaid calling services to end-user consumers within the United States and Internationally. Microtalk USA’s services will be purchased by consumers online, or by web portal, and will allow prepaid top-ups on existing subscriber accounts. The holding company of Microtalk USA is a British telecommunications provider (“Microtalk UK Limited”) that presently offers the services in the United Kingdom and other countries/markets largely through online advertising and commercials on ethnic niched cable networks. Microtalk UK Limited is a United Kingdom company and its owners are citizens of the United Kingdom. The United Kingdom has been a member of the World Trade Organization since January 1, 1995 (“WTO Member”) and entry by a foreign carrier by the Commission from a WTO Member country will advance the public interest under the Act.

MICROTALK USA'S NEED FOR STA

In the case of Microtalk USA, owner Microtalk UK Limited engaged cable networks of scale to distribute and air commercials for Microtalk USA and Microtalk UK Limited bundled with other cross-border advertising efforts that were on-going to Microtalk UK Limited. This included the addition of broadcasts and airings of commercials in the U.S. for Microtalk USA. It was intended that the airing of these commercials would occur at a point in time after the Commission's approval had been obtained. However Microtalk UK Limited was recently informed that the commercials had been set to run much sooner by the cable channels and these commercials had already been scheduled for showing to various outlets that included the U.S. within the near future. At this juncture, rescheduling of the commercials is not an option with the cable channel provider. Microtalk USA is unsure if any new subscribers will result from this spillage of programming, or not. It realizes however that a real potential now exists that subscribers may result from this spillage of the cable advertising into the U.S. and desires to take the proper course and be compliant with all the Commission's rules and requirements should this occur. Microtalk USA now seeks Temporary Section 214 Authority so that it may operate during the application process because of these events. The foreseeable services that would be implicated by these events would be online sales of prepaid calling accounts and support of those services for consumers in the U.S. The exact number of those consumers is not known at this time. This is necessary so that the applicant can be compliant while its foreign ownership (citizens of a WTO Member) are being reviewed by the Commission and Team Telecom. Microtalk USA understands the need and requirement for Team Telecom's review, however, the applicant needs this temporary authority to cover any U.S. consumers that may result from the spillage on cable advertisements during that review.

Microtalk USA applied for Section 214 authority from the Commission under File No.: ITC-214-20150219-00046 on February 18, 2015 indicating to the Commission that it does have foreign ownership interests in the company – specifically the United Kingdom. As of March 2, 2015 the applicant's file has been set for Public Notice, and has been removed from streamline processing for referral to the Executive Branch. The Executive Branch has remitted its initial triage questions for Microtalk USA, which the applicant is now answering. Microtalk USA recognizes that the Executive Branch's review process is not streamlined and may toll for a period of time longer than the end of fiscal year 2015. Microtalk USA believes that Special Temporary Authority is proper to allow the Commission and Executive Branch proper time to fully review Microtalk USA's qualifications for Section 214 Authority. Microtalk USA herein seeks such special and temporary authority for a six (6) month period so that the Commission and the Executive Branch may conduct their review of Microtalk USA's application under File Number ITC-

214-20150219-00046 and is willing to submit extensions of any STA granted to cover any period beyond that six (6) month period should the Executive Branch not be concluded in its review of Microtalk USA.

REQUEST FOR SPECIAL AUTHORITY

Microtalk USA hereby requests Special Temporary Authority to temporarily provide international telecommunications services and to operate pursuant to 47 U.S.C. § 214 for a six (6) month period so that its underlying Application for permanent Authority may be properly reviewed by the Commission but nonetheless that it may operate due to the unique and extra-ordinary nature of Microtalk USA's circumstances. Microtalk USA 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.*¹ Microtalk USA recognizes that it is required to obtain Section 214 Authority prior to the rendering of International Telecommunication Services to the public. Microtalk USA submits that it is undertaking an affirmative effort to be compliant with the Act and the Commission's Rules by seeking this Special Authority. Microtalk USA 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 where applicable and required by the Commission's Rules for any services rendered under Temporary Authority.

Microtalk USA 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"* is required, and, it has done so as a pre-requisite to this Special Temporary Authority request.² In making its request for Special Temporary Authority, Microtalk USA acknowledges that its foreign ownership will require consultation by the Commission with the Executive Branch agencies in regard to national security, law enforcement, foreign policy and

¹ 47 U.S.C. § 214(a).

² 47 C.F.R. § 63.18.

trade issues and concerns that are unique to Team Telecom Review.³ It is acknowledged that such review is not streamlined, and the Commission, as well as Team Telecom, may require time to review Microtalk USA's full Application for permanent Section 214 Authority. This process may take several months to a year, and Microtalk USA does not wish to be in violation of the Act during this time period where it must provide services to end-users. To avoid any possibility of violation of the Act, Microtalk USA hereby submits this Request for Special Temporary Authority.

IMPACT STATEMENT

The grant of this STA request will serve the public interest, convenience and necessity because such grant will permit Microtalk USA to provide regulated services to clients that Microtalk USA may acquire due to a spillage in multi-county marketing efforts and who will rely on Microtalk USA for their telecommunication needs thereafter. The grant of this STA will further ensure that Microtalk USA can continue to meet the needs of the telecommunication clients while its underlying application for authority is considered by the Commission. Likewise, Microtalk USA is a small, new entrant provider to the telecommunications sector, and the application does not raise anti-competitive concerns.

Microtalk USA acknowledges that the grant of this STA 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. Microtalk USA further acknowledges that grant of this STA may be revoked by the Commission upon its own motion without hearing. In the event Microtalk USA is denied 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, very limited period time as a contingency of last resort.

³ See, *1998 International Biennial Review Order*, 14 FCC Rcd at 4914-15 ¶ 14; *PCIA Forbearance Order*, 13 FCC Rcd at 16882 ¶ 50.

CONCLUSION

For the above reasons, Microtalk USA Inc respectfully requests that the Commission grant it special temporary authority to provide international telecommunications services in the areas described in the STA Application until such time as the Commission acts upon Microtalk USA's Formal Application for permanent Authority pursuant to 47 U.S.C. § 214, as amended or alternatively a six (6) month period that may be extended by further STA Application.

Respectfully Submitted,

Microtalk USA, Inc.

By : /s/ John Mark Burton /s/
Mr. John Mark Burton, Director

By and through their attorney:



/s/ Edward A. Maldonado /s/

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**Please direct STA Petition correspondence to the above signed
Regulatory Counsel.**

REQUEST FOR SPECIAL TEMPORARY AUTHORITY
Verification by Corporate Officer

I, John Mark Burton, director of Microtalk USA Inc a Florida Corporation, hereby certify the following:

1. I have read the foregoing Request for 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

Microtalk USA, Inc.

By : /s/ John Mark Burton /s/

Mr. John Mark Burton, Director of Applicant