

Adrienne Downs

From: Adrienne Downs
Sent: Wednesday, April 29, 2015 3:38 PM
To: 'bolcott@jonesday.com'
Cc: David Krech
Subject: STA for Five9, Inc.
Attachments: 20150429153511.pdf

Please see the attached grant page.


Adrienne Downs
202-418-0412

~~Re: ITC-2014-0019-00072~~

Attachment 1

QUESTION 10

In Attachment 1, provide justification of need for special tem

Granted APR 27 2015	
Policy Division	<small>International Bureau</small>
date: _____	<small>Expires: October 30, 2015</small>
authorized by: _____	<small>signature of party requested</small>
<small>Acting Chief, Policy Division, IB</small>	

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 then registered with the Commission as a contributor to the Universal Service Fund and began the process of bringing 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.

Five9 applied for Section 214 international resale authority on January 19, 2013; this application is currently under review by DOJ/Team Telecom.

On February 20, 2013, the Commission's International Bureau granted Five9's January 20, 2013 request for Special Temporary Authority ("STA"). Subsequently, Five9 requested renewal of its STA on April 10, 2013 (granted April 18, 2013), and on October 15, 2014 (granted October 29, 2014). The most recent grant is effective until April 27, 2015.

Five9 is in the process of negotiating a Letter of Assurance ("LOA") with Team Telecom, which is the final step in the process before Team Telecom will consent to Five9's pending application for 214 authorization. Five9 expects to complete negotiations and sign the assurances letter shortly, but not before the expiration of the current STA. Five9 therefore seeks renewal of the STA.

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.