

Streamlined ITC-STA-20160112-00013
IB2016000092
Great Lakes Communication Corp.



G. David Carter | Member
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DIRECT: 202.750.3502

Re: ITC-214-20160112-00014
January 12, 2016

VIA ECFS
Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

JAN 28 2016
Policy Division
International Bureau



Expires: July 26, 2016

**Re: Request for International Section 214 Special Temporary Authority
Great Lakes Communication Corp.**

Dear Ms. Dortch:

Great Lakes Communication Corporation ("Great Lakes"), through counsel and pursuant to Section 214 of the Communications Act and Section 63.25 of the Federal Communications Commission's ("FCC") rules, respectfully requests such Special Temporary Authority ("STA") as may be necessary to allow Great Lakes to continue providing any international telecommunications services its local exchange customers may solicit from it while the FCC reviews and acts upon its concurrently filed International Section 214 Application for permanent authority to provide such services.¹

Great Lakes is a competitive local exchange carrier that provides competitive telecommunications and broadband services in rural Northwest Iowa. It has successfully expanded its service offerings to include high-quality telecommunications and broadband services to historically underserved communities in its service territory. It recently discovered, however, that even though it had engaged a consultant to ensure compliance, and even though it had been reporting to the FCC its relatively minor amounts of resold international telecommunications services via its annual International Traffic and Revenue Reports, it had nevertheless neglected to first secure International 214 Authorization from the FCC to provide such services. It has now promptly sought FCC approval upon identifying this issue. Great Lakes at all times intended to comply with the Commission's Section 214 rules. The delay in filing for Commission authorization was the result of administrative oversight.

Great Lakes respectfully submits that granting this STA is in the public interest because it allows the continued provision of uninterrupted service to its customers while the FCC reviews its pending application for permanent Section 214 international authority.

¹ Great Lakes does not seek an extension longer than the maximum 6-month period contemplated in 47 C.F.R. § 63.25(a)(1). As explained in Great Lakes' concurrently filed International Section 214 Application, that application qualifies for streamlined processing.

Great Lakes takes its regulatory obligations seriously and is committed to engaging counsel and consultants as needed to ensure compliance with its regulatory obligations.

Great Lakes acknowledges that the grant of this STA will not prejudice any action the Commission may take on the underlying application. Great Lakes further acknowledges that this STA can be modified or revoked by the Commission upon its own motion without a hearing.

Please do not hesitate to contact me if you have any questions or need additional information regarding this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Bowser". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Joseph P. Bowser

Counsel to Great Lakes Communication Corp.

Attachment 1

CERTIFICATE

The undersigned hereby certifies, on behalf of Great Lakes Communication Corp. (“Great Lakes” or “Applicant”) with respect to the foregoing application for authority to provide international services, that:

1. With respect to Question 9 of this Application, Great Lakes states that this Application qualifies for streamlined processing pursuant to Section 63.12(c) of the Commission’s rules, 47 C.F.R. § 63.12(c), and in further support thereof states as follows:

Although Great Lakes is affiliated with a foreign carrier authorized to provide service in Mexico, namely Tele Fácil Mexico, S.A. de C.V. (“Tele Fácil”), it qualifies for a presumption of non-dominance under Section 63.10(a)(3) of the Commission’s rules. 47 C.F.R. § 63.10(a)(3).

Tele Fácil qualifies for non-dominant classification on the route between the United States and Mexico because Tele Fácil has no market power in Mexico. *See* 47 C.F.R. § 63.10(a)(3) (“If the U.S. carrier demonstrates that the foreign affiliate lacks 50 percent market share in the international transport and the local access markets on the foreign end of the route, the U.S. carrier shall presumptively be classified as non-dominant.”). While Tele Fácil has obtained a concession from the Government of Mexico to provide competitive wireline, wireless, Internet, and television services in Mexico, a dispute regarding the terms of interconnection with Telefonos de Mexico (“TelMex”), Mexico’s former monopolist provider of telecommunications services, and the recognized preponderant economic agent in Mexico’s telecommunications market,¹ has prevented Tele Fácil from commencing its service offerings in Mexico. Accordingly, Tele Fácil has no current customers and no market power.² Moreover, Tele Fácil is not listed on the Commission’s List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets. *See The International Bureau Revises and Reissues the Commission’s List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, DA 07-233 (Jan. 26, 2007). As such, Tele Fácil is presumptively classified as non-dominant on the U.S-Mexico route. Further, the

¹ *See, e.g.*, Form 6-K of América Móvil, S.A.B. de C.V. (filed with the Securities and Exchange Commission for July 2014), *available at*: <http://www.sec.gov/Archives/edgar/data/1129137/000129281414001635/amx201407086k.htm> (describing the measures that América Móvil will take to have Telmex cease being classified as the preponderant economic agent in the telecommunications market).


² *See, e.g.*, Tele Fácil contra Telmex, El Financiero, *available at*: <http://www.elfinanciero.com.mx/pages/tele-facil-contra-telmex.html> (providing a timeline of the interconnection dispute between Tele Fácil and TelMex).

provisions of §63.12(c)(2) do not apply to Great Lakes because it does not have an affiliation with a dominant U.S. carrier.

2. In response to Question 11 of this Application, Great Lakes provides the following information and certifications required by Section 63.18(i) through (m):
- a. 63.18(i): As noted above, Great Lakes is affiliated with a single foreign carrier, namely Tele Fácil. While Tele Fácil does not currently provide service in Mexico, its concession entitles it to provide domestic service solely in Mexico.
 - b. 63.18(j)(1): Great Lakes does not seek to provide international telecommunications services where it is a foreign carrier in that country;
 - c. 63.18(j)(2) and (3): Mr. Joshua D. Nelson is Chief Executive Officer of, controls (as that term is used in 47 C.F.R. § 63.09(b)), and has an indirect ownership interest in, Great Lakes. Further, Mr. Nelson controls Tele Fácil.
 - d. 63.18(j)(4): Great Lakes does not seek to provide international telecommunications services where two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate, more than 25 percent of Great Lakes and are parties to, or the beneficiaries of, a contractual relation affecting the provision or marketing of international basic telecommunications services in the United States.
 - e. 63.18(k): Great Lakes listed only Mexico in response to paragraph (j) of Section 63.18. Mexico is a member of the World Trade Organization. See https://www.wto.org/english/thewto_e/countries_e/mexico_e.htm.
 - f. 63.18(l): Not applicable.
 - g. 63.18(m): Great Lakes incorporates by reference here its response in paragraph number 1 above as its demonstration that Tele Fácil lacks 50 percent market share in the applicable routes.

3. In response to Question 12 of this Application, and as noted above, Great Lakes identifies Mexico.

4. Great Lakes will comply with the terms and conditions contained in Sections 63.21, 63.22 and 63.23 of the Commission's Rules. 47 C.F.R. §§ 63.21-23

By: 
Kellie Beneke
President
Great Lakes Communication Corp.
1713 McNaughton Way
Spencer, Iowa 51301
Tel: (712) 432-4700
Facsimile: (712) 432-4703

Dated: 1/12/14

Attachment 2

In response to Questions 15 and 16 of this Application, Great Lakes Communication Corp. ("Great Lakes" or "Applicant") provides the following information required by 47 CFR § 63.18(d), (e) (g) and (h):

- (d) Great Lakes has not previously received Section 214 international authority from the Commission.
- (e) Great Lakes is applying for authority to operate as a facilities-based carrier pursuant to the terms and conditions of Section 63.18(e)(1), of the Commission's Rules, 47 C.F.R. §63.18 (e)(1), and as a resale carrier pursuant to the terms and conditions of Section 63.18(e)(2) of the Commission's Rules. 47 C.F.R. § 63.18 (e)(2). Great Lakes requests authority to serve all countries permitted under a grant of global authority. As evidenced by the certification provided in Attachment A, Great Lakes will comply with the terms and conditions contained in Sections 63.21, 63.22 and 63.23 of the Commission's Rules. 47 C.F.R. §§ 63.21-23. At this time, Great Lakes does not seek authority to provide service not referenced under paragraphs (e)(1) or (e)(2) of Section 63.18 of the Commission's Rules. 47 C.F.R. § 63.18(e)(3).
- (g) Great Lakes will use previously authorized facilities to provide the services requested by the Application. Consequently, Great Lakes is categorically excluded from environmental assessment pursuant to Section 1.1306 of the Commission's Rules. 47 C.F.R. § 1.1306.
- (h) The following persons directly or indirectly own at least ten percent of the equity of Great Lakes:

Name: Joshua D. Nelson
Business Address: 1713 McNaughton Way
Spencer, Iowa 51301
Citizenship: US Citizen
Ownership Interest: 25%
Principal Business: Communications Services

Name: Melissa K. Nelson
Business Address: 1713 McNaughton Way
Spencer, Iowa 51301
Citizenship: US Citizen
Ownership Interest: 25%
Principal Business: Communications Services

Name: Jerry Nelson
Business Address: 1713 McNaughton Way
Spencer, Iowa 51301
Citizenship: US Citizen
Ownership Interest: 25%
Principal Business: Communications Services

Name: Candace Nelson
Business Address: 1713 McNaughton Way
Spencer, Iowa 51301
Citizenship: US Citizen
Ownership Interest: 25%
Principal Business: Communications Services

No other person or entity can assert a 10% or more ownership interest in Great Lakes.