

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of the Joint Application of)
)
Tel West Network Services Corporation)
)
and)
)
U.S. TelePacific Corp.)
)
For Grant of Authority Pursuant to)
Section 214 of the Communications Act of)
1934, as amended, and Sections 63.04 and)
63.24 of the Commission’s Rules to Complete a)
Transfer of Control of an Authorized Domestic)
and International Section 214 Carrier

WC Docket No. 11-112
ITC-T/C-20110628-00182

**PETITION TO ADOPT CONDITIONS TO
AUTHORIZATIONS AND LICENSES**

The Department of Justice (“DOJ”), including the Federal Bureau of Investigation, and the Department of Homeland Security (“DHS”) (“the Agencies”) submit this Petition to Adopt Conditions to Authorizations and Licenses (“Petition”), pursuant to Section 1.41 of the Federal Communications Commission (“Commission”) rules.¹ Through this Petition, the Agencies advise the Commission that they have no objection to the Commission approving the authority sought in the above-referenced proceedings, provided that the Commission conditions its approval on the assurance of U.S. TelePacific Holdings Corp. (“TPAC Holdings”) to abide by the commitments and undertakings set forth in the October 18, 2011 Letter of Assurances (“LOA”). A copy of the LOA is attached hereto.

In the above-referenced proceedings, Tel West Network Services Corporation (“Tel West”) and U.S. TelePacific Corporation (“TelePacific”) (together, the “Applicants”), pursuant to Section 214 of the Communications Act of 1934, as amended, and Sections 63.04 and 63.24 of the Commission’s Rules, requested authority to complete a transaction whereby TelePacific will

¹ 47 C.F.R. § 1.41.

acquire control of Tel West. No assignment of licenses, assets or customers will occur as a consequence of the proposed transaction.

The Commission has long recognized that law enforcement, national security, and public safety concerns are part of its public interest analysis, and has accorded deference to the views of other U.S. government agencies with expertise in those areas. *See In the Matter of Comsat Corporation d/b/a Comsat Mobile Communications, etc.*, 16 FCC Rcd. 21,661, 21707 ¶ 94 (2001).

After discussions with representatives of the Applicants in connection with the above-referenced proceedings, the Agencies have concluded that the additional commitments set forth in the LOA will help ensure that the Agencies with responsibility for enforcing the law, protecting the national security, and preserving public safety, can proceed appropriately to satisfy those responsibilities. Accordingly, the Agencies advise the Commission that they have no objection to the Commission authorizing completion of the above-referenced transaction, provided that the Commission conditions its consent on compliance by TPAC Holdings with the LOA.

Respectfully submitted,

/S/ Richard C. Sofield
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October 18, 2011