

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

In the Matter of

Sialk Inc.

Application for consent to the transfer of
control of international Section 214
authorization

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File No. ITC-T/C-20120813-00207

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

The Department of Justice (DOJ) submits 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, DOJ advises the Commission that it has no objection to the Commission approving the authority sought in the above-referenced proceeding, provided that the Commission conditions its approval on the assurance of Sialk Inc. (Sialk) to abide by the commitments and undertakings set forth in the January 14, 2013 Letter of Assurances (LOA), which is attached hereto. In the above-referenced proceeding, the Applicant petitioned the Commission for consent to the transfer of control of its authority under Section 214 of the Communications Act of 1934, as amended.

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).

¹ 47 C.F.R. § 1.41.

After discussions with representatives of the Applicant in connection with the above-referenced proceedings, DOJ has concluded that the additional commitments set forth in the LOA will help ensure that DOJ and other agencies with responsibility for enforcing the law, protecting the national security, and preserving public safety, can proceed appropriately to satisfy those responsibilities. Accordingly, DOJ advises the Commission that it has no objection to the Commission granting the application in the above-referenced proceeding, provided that the Commission conditions its consent on compliance by Sialk with the LOA.

Respectfully submitted,

/S/ Richard C. Sofield

Richard C. Sofield

U.S. Department of Justice

Director - Foreign Investment Review Staff

National Security Division

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January 23, 2013



Jan/14/2013

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This letter outlines the commitments made by Sialk Inc., (Sialk) to the US Department of Justice (DOJ) in order to address national security, law enforcement, and public safety concerns raised with regard to the Sialk application to the Federal Communications Commission (FCC) requesting authority to transfer control of Sialk's Section 214 international authority to Amir Saeed Partash and to exceed the 25% benchmark for foreign investment for foreign investment under Section 310(b)(4) of the Communications Act of 1934, as amended.

Sialk is a calling card company that provides prepaid calling card services to individuals, residential end users as well as wholesale distributors and resellers of calling cards services. Sialk agrees that it will inform DOJ at least 30 days in advance if its business model changes to provide additional telecommunications services in the US, including providing interconnected VoIP services to end-user customers, either residential, business, or enterprise. Sialk confirms that for any services requiring that it comply with the the Communications Assistance for Law Enforcement Act (CALEA), it will do so. Moreover, if Sialk begins to provide other telecommunications services in the US, the company agrees to maintain a point of contact in the US, preferably a US citizen or Lawful Permanent Resident, to receive service of process for US records and to support US law enforcement agencies' lawful requests for assistance. The personal identifying information for this point of contact will be provided to DOJ at least 30 days prior to the date that Sialk begins to provide these services.

Sialk also agrees that for all customer billing records, subscriber information, and any other related information used, processed, or maintained in the ordinary course of business relating to telecommunications services offered in the U.S. (U.S. Records), Sialk will store either originals or copies in the U.S. Sialk further agrees that its designated law enforcement point of contact will have access to, and will make such records available promptly and in any event no later than

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five business days, in the U.S. in response to lawful U.S. process.¹ The location of the US Records storage facility will be provided to DOJ at least 30 days in advance of the time in which Sialk anticipates generating such US Records. For these purposes, U.S. Records shall include information subject to disclosure to a U.S. Federal or state governmental entity under the procedures specified in Sections 2703(c) and (d) and Section 2709 of Title 18 of the U.S. Code. Sialk also agrees to ensure that U.S. Records are not made subject to mandatory destruction under any foreign laws.

Sialk agrees that it will not, directly or indirectly, disclose or permit disclosure of or access to U.S. Records or domestic communications or any information (including the content of communications) pertaining to a wiretap order, pen/trap order, subpoena or other lawful demand by a U.S. law enforcement agency for U.S. Records, to any person if the purpose of such disclosure or access is to respond to the legal process or request on behalf of a non-U.S. government without first satisfying all pertinent requirements of U.S. law and obtaining the express written consent of DOJ, or the authorization of a court of competent jurisdiction in the US. The term "non-U.S. government" means any government, including an identified representative, agent, component or subdivision thereof, that is not a local, state or federal government in the US. Any such requests for legal process submitted by a non-U.S. government to Sialk shall be referred to DOJ as soon as possible, and in no event later than 5 business days after such request or legal process is received by or known to Sialk, unless disclosure of the request or legal process would be in violation of U.S. law or an order of a court of the US.

Sialk agrees that in the event the commitments set forth in this letter are breached, in addition to any other remedy available at law or equity, DOJ may request that the FCC modify, condition, revoke, cancel, or render null and void any relevant license, permit, or other authorization granted by the FCC to Sialk or any successors-in-interest. Nothing herein shall be construed to be a waiver by Sialk of, or limitation on, its right to oppose or comment on any such request.

¹ This statement does not supersede or replace Sialk's other duties to comply with any applicable FCC requirements and regulations regarding the storage and protection of customer records, including but not limited to requirements related to the storage and protection of Customer Proprietary Network Information (CPNI).



Nothing in this letter is intended to excuse Sialk from its obligations to comply with any and all applicable legal requirements and obligations, including any and all applicable statutes, regulations, requirements, or orders.

Sialk understands that, upon execution of this letter by an authorized representative or attorney for Sialk, DOJ shall notify the FCC that it has no objection to the FCC's grant of Sialk's applications.

Sincerely Yours,

Sialk Inc.

Amir.S.Partash,
Director

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