



**U.S. Department of Justice**

National Security Division

*Foreign Investment Review Section*

*Washington, D.C. 20530*

October 8, 2020

By E-File

Ms. Marlene H. Dortch  
Federal Communications Commission  
445 12th St. SW, Room TW-B204  
Washington, DC 20554

**Re: Cyan Security USA, Inc.<sup>1</sup> and Cyan AG, FCC File No. ITC-T/C-20200831-00167 (TT 20-053)**

Dear Ms. Dortch:

The Commission is notified that the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (“Committee”) is reviewing the above-referenced application for consent to transfer control of Cyan Security USA, Inc. (“Cyan Security”),<sup>2</sup> which holds international Section 214 authorization ITC-214-20160329-00127.<sup>3</sup> The Committee will review the application for any national security and law enforcement risks in light of the applicants’ admission of an unauthorized transfer of control,<sup>4</sup> as well as Cyan Security’s existing mitigation agreement with the Department of Justice, dated May 29, 2017.<sup>5</sup> Compliance with this mitigation agreement is a condition of Cyan Security’s international Section 214 authorization.<sup>6</sup>

<sup>1</sup> Cyan Security USA, Inc. was formerly known as I-New USA, Inc.; it changed its name effective November 29, 2019. *In the Matter of Application of Cyan Security USA, Inc. et al.*, FCC File No. ITC-T/C-20200831-00167, Application, at 1 n.1 (Aug. 31, 2020) [hereinafter “Transfer of Control Application”].

<sup>2</sup> See attached notification from the Chair.

<sup>3</sup> Transfer of Control Application, at 2-3.

<sup>4</sup> *Id.* at 1 (“Cyan AG acquired a one hundred percent (100%) indirect interest in Cyan Security USA without Commission approval . . .”); see also Federal Communications Commission, Public Notice, Non Streamlined International Applications/Petitions Accepted for Filing, Report No. TEL-02046NS, at 2 (Sept. 25, 2020) (“On July 30, 2018, without prior Commission consent, Cyan AG acquired Novamatic’s 76.81% ownership interests in I-New Unified, and indirect control of Cyan USA.”).

<sup>5</sup> *In the Matter of Application by I-New USA, Inc.*, FCC File No. ITC-214-20160329-00127, U.S. Department of Justice Petition to Adopt Conditions to Authorizations and Licenses (June 20, 2017) (attaching the executed Letter of Agreement from Peter Nussbaumer, Director, I-New USA, Inc. and Peter Bayer, Director, I-New USA, Inc. to the Assistant Attorney General for National Security, DOJ, dated May 29, 2017).

<sup>6</sup> Federal Communications Commission, Public Notice, International Authorizations Granted, Section 214 Applications (47 C.F.R. § 63.18); Section 310(b) Requests, DA No. 17-603, Report No. TEL-01854, at 1 (June 22, 2017) (“[W]e condition grant of this application [ITC-214-20160329-00127] for international section 214 authority on compliance by I-New USA, Inc. with the commitments and undertakings set forth in the Letter of Agreement from Peter Nussbaumer, Director, I-New USA, Inc. and Peter Bayer, Director, I-New USA, Inc. to the Assistant Secretary [sic] General for National Security, DOJ, dated May 29, 2017 (LOA). A failure to comply and/or remain

The Commission will be notified when the Chair has determined that responses to the Committee's initial request for information are complete and the 120-day initial review period can begin.

Thank you for your consideration.

Sincerely,

*/s/ Megan Fluckiger*  
Megan Fluckiger  
Attorney Advisor  
Foreign Investment Review Section  
National Security Division  
U.S. Department of Justice

cc: [FCC-TTelecom@fcc.gov](mailto:FCC-TTelecom@fcc.gov)  
David Krech, International Bureau (via e-mail at [david.krech@fcc.gov](mailto:david.krech@fcc.gov))  
Adrienne McNeil, International Bureau (via e-mail at [Adrienne.McNeil@fcc.gov](mailto:Adrienne.McNeil@fcc.gov))  
Sumita Mukhoty, International Bureau (via e-mail at [sumita.mukhoty@fcc.gov](mailto:sumita.mukhoty@fcc.gov))  
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[osd.pentagon.dod-cio.list.team-telecom@mail.mil](mailto:osd.pentagon.dod-cio.list.team-telecom@mail.mil)

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in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of the authorization and thus grounds for declaring the authorization terminated without further action on the part of the Commission.”).



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Pursuant to Executive Order 13913 (Apr. 4, 2020), the Chair of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (“Committee”) requests the Federal Communications Commission (“Commission”) defer action on the above-referenced application, which has been referred to the Committee in order to assist the Commission in reviewing the application for any national security and law enforcement concerns that may be raised by foreign participation in the United States telecommunications services sector.

A handwritten signature in black ink, appearing to read "Sanchitha Jayaram".

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Sanchitha Jayaram

Chief

Foreign Investment Review Section

National Security Division

U.S. Department of Justice

Date: O c t o b e r 8 , 2 0 2 0