



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET S.W.
WASHINGTON D.C. 20554

News media information 202-418-0500
Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)
TTY (202) 418-2555

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Thursday April 16, 2015

International Authorizations Granted

Section 214 Applications (47 C.F.R. § 63.18); Section 310(b) Requests

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b).

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see Section 1.4(b)(2)).

An updated version of Sections 63.09–.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>.

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

Petition for Declaratory Ruling

Grant of Authority

Date of Action: 04/13/2015

Q Wireless, LLC (Q Wireless) and Metro Fibernet, LLC (MFN) (together, "Petitioners") have jointly petitioned the Commission for a declaratory ruling ("Petition"), pursuant to section 1.990(a)(1) of the Commission's rules, 47 C.F.R. § 1.990(a)(1), that it would serve the public interest to allow Q Wireless to exceed the 25 percent foreign ownership benchmark in section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 310(b)(4). According to the Petition, Q Wireless holds one nationwide, Wireless Internet Service Provider (WISP) license, WQLN535, which is regulated on a common carrier basis. Petitioners have filed the instant Petition in connection with an application seeking consent to the pro forma transfer of control of Q Wireless, a Nevada limited liability company, to MFN, a Nevada limited liability company (ULS File No. 0006217800). MFN is a wholly-owned direct subsidiary of MetroNet Holdings, LLC (MetroNet Holdings), a Delaware limited liability company.

According to the Petition, Albert E. Cinelli and John P. Cinelli, both U.S. citizens, together have de jure control and exercise de facto control of Q Wireless (holding 63% and 19% of its membership units, respectively). No other individual or entity currently holds, directly or indirectly, a 10 percent or greater equity or voting interest in Q Wireless. Upon closing the proposed pro forma transfer of control, Q Wireless would be wholly owned, directly and indirectly, by MFN and MetroNet Holdings, respectively.

The Petition states that Albert E. Cinelli and John P. Cinelli together have de jure control and exercise de facto control of MetroNet Holdings (holding 42 percent and 13 percent of its membership units, respectively). MetroNet Holdings' remaining membership units are held by other U.S. investors (an aggregate 12.57%, with none holding individually a 10% or greater interest or a controlling interest); Oak Hill Capital Partners III, L.P. (Oak Hill III), a Cayman Islands exempted limited partnership (24%); Oak Hill Capital Management Partners III, L.P. (Oak Hill Management), a Cayman Islands exempted limited partnership (1.3%); MFN A Corp, a Delaware corporation (6.19%); and MFN B Corp, a Delaware corporation (0.94%). Oak Hill III, Oak Hill Management, MFN A Corp, and MFN B Corp are all controlled indirectly, through a series of intermediate entities organized in the Cayman Islands, by OHCP MGP III, LTD (OHCP MGP III), a Cayman Islands exempted company that is, in turn, controlled by a Board comprised of J. Taylor Crandall, Stephen B. Grubar, and Denis J. Navden, all of whom are U.S. citizens. Petitioners state that none of the interests held directly or indirectly in MetroNet Holdings, including interests held by limited partners of the Oak Hill entities, are insulated within the meaning of section 1.993 of the Commission's rules.

Pursuant to section 1.991(i) of the rules, the Petitioners request that the Commission specifically approve the following foreign equity and voting interests, in excess of five percent, that are held directly or indirectly in MetroNet Holdings, the proposed controlling U.S. parent of Q-Wireless:

OHCP MGP III (32.43% voting and less-than-1% equity interest);
OHCP MGP Partners III, L.P. (25.3% voting and less-than-1% equity interest);
OHCP GenPar III, L.P. (GenPar) (25.3% voting and less-than-1% equity interest);
Oak Hill III (24% voting and 24% equity interest); and
Oak Hill Capital Partners III (AIV I), L.P. (AIV I) (6.19% voting and 6.19% equity interest).

Petitioners also request specific approval for the foreign limited partnership interests held in GenPar, Oak Hill III, and AIV I. Because the limited partnership interests are uninsulated, each foreign limited partner is attributed with the same voting interest in MetroNet Holdings that is attributed to the limited partnership in which it has invested. Thus, each foreign limited partner of GenPar, Oak Hill III, and AIV I is considered to hold a 25.3 percent, 24 percent, and 6.19 percent voting interest in MetroNet Holdings, respectively. Petitioners have identified each of the foreign limited partners, including each partner's citizenship, principal business, and respective equity interest in GenPar, Oak Hill III, and/or AIV I. Pursuant to section 1.991(k) of the rules, Petitioners additionally seek advance approval for the Oak Hill entities named in the Petition to increase their aggregate equity and voting interests in MetroNet Holdings from the current 32.43 percent equity and voting interest up to and including a non-controlling 40 percent equity and voting interest, with no foreign limited partner acquiring (through the investor's equity interests in the respective Oak Hill entity(ies)) an aggregate indirect, non-controlling equity interest in MetroNet Holdings in excess of five percent.

Petitioners assert that the public interest would be served by permitting foreign ownership of Q-Wireless to exceed the 25 percent benchmark in section 310(b)(4), as described in the Petition.

Pursuant to the rules and policies established by the Commission's Foreign Ownership Second Report and Order, FCC 13-50, 28 FCC Rcd 5741 (2013), we find that the public interest would not be served by prohibiting foreign ownership of Q Wireless in excess of the 25 percent benchmark in section 310(b)(4) of the Act. Specifically, this ruling permits aggregate foreign ownership of Q Wireless's proposed controlling U.S. parent company, MetroNet Holdings, to exceed, directly and/or indirectly, 25 percent of its equity and/or voting interests, subject to the terms and conditions set forth in section 1.994 of the Commission's rules, 47 C.F.R. § 1.994, including the requirement to obtain Commission approval before Q Wireless's foreign ownership exceeds the terms and conditions of this ruling. In addition, this ruling specifically authorizes OHCP MGP III, OHCP MGP Partners III, L.P., GenPar, Oak Hill III, and AIV I to hold equity and voting interests in Q Wireless up to and including the amounts specified above; and authorizes the limited partnership interests held by the named foreign limited partners of GenPar, Oak Hill III, and AIV I. This ruling also includes advance approval for the Oak Hill entities named in the Petition to increase their aggregate equity and voting interests in MetroNet Holdings from the current 32.43 percent equity and voting interest up to and including a non-controlling 40 percent equity and voting interest, with no foreign limited partner acquiring (through the investor's equity interests in the respective Oak Hill entity(ies)) an aggregate indirect, non-controlling equity interest in MetroNet Holdings in excess of five percent.

Q Wireless has an affirmative duty to monitor its foreign equity and voting interests, calculate these interests consistent with the attribution principals enunciated by the Commission, including the standards and criteria set forth in sections 1.992 through 1.993 of the Commission's rules, 47 C.F.R. §§ 1.992-1.993, and otherwise ensure continuing compliance with the provisions of section 310(b) of the Act.

This declaratory ruling is without prejudice to the Commission's action on any other related pending application(s).

ITC-214-20150126-00025 E BlueVoice Network, LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 04/14/2015

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

ITC-214-20150312-00069 E Google North America Inc.
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 04/10/2015

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

ITC-214-20150313-00070 E PLD, LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 04/10/2015

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

ITC-214-20150316-00067 E Caribphone Telecommunications LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action: 04/10/2015

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

ITC-214-20150317-00071 E Voice Logic LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action: 04/10/2015

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

ITC-214-20150319-00072 E UniVoIP, Inc.
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 04/10/2015

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

ITC-214-20150320-00075 E CBCCOM AMERICAS INC.
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 04/10/2015

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

ITC-214-20150320-00076 E Victory Point Co
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action: 04/10/2015

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

ITC-T/C-20150327-00079 E

Smith Bagley, Inc.

Transfer of Control

Grant of Authority

Date of Action: 04/15/2015

Current Licensee: Smith Bagley, Inc.

FROM: Estate of Smith Bagley

TO: Smith Bagley Revocable Trust

Notification filed March 27, 2015, of the pro forma transfer of control of international section 214 authorization, ITC-214-20121015-00270, held by Smith Bagley, Inc. (SBI), from the Estate of Smith Bagley (Bagley Estate), to Smith Bagley Revocable Trust (Bagley Trust), effective February 26, 2015. Mr. Smith Bagley died in January 2010, and on February 26, 2015, all of the assets of the Bagley Estate, including shares representing a 60% interest in SBI, were distributed to the Bagley Trust. Elizabeth Frawley Bagley and PNC Bank, N.A., serve as the trustees of the Bagley Trust. Ms. Bagley continues to maintain a controlling interest in SBI. She also exercises de facto control of SBI through her continuing role as chairman of SBI's Board of Directors. No other person or entity directly or indirectly holds a 10 percent or greater interest in SBI.

SURRENDER

ITC-214-20131022-00278

amaysim USA Inc.

By letter filed March 6, 2015, Applicant notified the Commission of the Surrender of its international section 214 authorization.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

- (1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is at the end of this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://transition.fcc.gov/ib/pd/pf/exclusionlist.html>. It also will be attached to each Public Notice that grants international Section 214 authority.
- (2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.
- (3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.
- (4) A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 C.F. R. § 63.23(d).
- (5) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.
- (6) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.
- (7) Carriers shall file the annual traffic and revenue reports required by Section 43.62(b). See <http://www.fcc.gov/encyclopedia/international-traffic-and-revenue-report>
- (8) Carriers shall file annual circuit capacity reports required by Section 43.62(a). See <http://www.fcc.gov/encyclopedia/circuit-capacity-report>.
- (9) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service.
- (10) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.
- (11) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.
- (12) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

(13) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 C.F.R. §§ 1.20000 et seq.

(14) Every carrier must designate an agent for service in the District of Columbia. See 47 U.S.C. § 413, 47 C.F.R. §§ 1.47(h), 64.1195.

Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See 47 C.F.R. § 63.22(c).

Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice, DA 10-112, dated January 21, 2010, "Modification of Process to Accept Applications for Service to Cuba and Related Matters.")

Facilities:

Any non-U.S.-licensed space station that has not received Commission approval to operate in the U.S. market pursuant to the procedures adopted in the Commission's DISCO II Order, IB Docket No. 96-111, Report and Order, FCC 97-399, 12 FCC Rcd 24094, 24107-72 paragraphs 30-182 (1997) (DISCO II Order). Information regarding non-U.S.-licensed space stations approved to operate in the U.S. market pursuant to the Commission's DISCO II procedures is maintained at http://transition.fcc.gov/bureaus/ib/sd/se/market_access.html.

This list is subject to change by the Commission when the public interest requires. The most current version of the list is maintained at <http://transition.fcc.gov/ib/pd/pf/exclusionlist.html>.

For additional information, contact the International Bureau's Policy Division, (202) 418-1460.