

**COPY**

**Before the  
Federal Communications Commission  
Washington, DC 20554**

**FILED/ACCEPTED**

**MAY 19 2008**

Federal Communications Commission  
Office of the Secretary

In the Matter of	)	
	)	
IT&E OVERSEAS, INC.,	)	
Assignor	)	File No. ITC-ASG-20080404-00164
	)	
and	)	
	)	
PTI PACIFICA INC.,	)	
Assignee	)	
	)	
Application for Assignment of Domestic and	)	
International Authority Under Section 214 of	)	
the Communications Act, as Amended	)	
	)	
PACIFIC TELECOM INC.	)	File Nos. ISP-PDR-20080403-0007
	)	SES-ASG-20080404-00423
Petition for Declaratory	)	ULS 0003356838
Ruling Under Section 310(b)(4)	)	
of the Communications Act of 1934, as	)	
Amended, to Permit Acquisition of	)	
Common Carrier Licenses	)	
	)	

**JOINT OPPOSITION TO PETITION TO IMPOSE CONDITION IN ABOVE-REFERENCED PROCEEDINGS**

PTI Pacifica Inc. (“PTI Pacifica” or “Assignee”) and IT&E Overseas, Inc. (“IT&E” or “Assignor”) (together “Applicants”) jointly file this opposition to the Petition to Condition filed May 12, 2008, by Choice Phone, LLC, Pacific Data Systems, Guam Cellular and Paging Inc., and GTA TeleGuam, LLC (collectively, “Petitioners”) in the above-captioned proceedings (“*Petition to Condition Referenced Proceedings*”).<sup>1</sup>

<sup>1</sup> Petition to Condition filed by GTA Telecom, LLC, Guam Cellular and Paging, Inc., Choice Phone, LLC and Pacific Data Systems, ITC-ASG-20080404-00164, ISP-PDR-20080403-00007, SES-ASG-20080404-00423, ULS 0003356838, May 12, 2008 (“*Petition to Condition Referenced Proceedings*”).

The *Petition to Condition Referenced Proceedings* that is the subject of this Opposition is identical, except for the file numbers in the caption of the pleading, to the Petitioners' *Petition to Condition* filed in WC Docket No. 08-54. Applicants provide a substantive response to the Petitioners' allegations in their joint opposition filed in that docket on May 19, 2008.

In this opposition Applicants explain, on the other hand, why the Commission should disregard the Petitioners' allegations in any of the above-referenced application proceedings on procedural grounds. First, the time period for filing petitions against the application to assign the wireless licenses (ULS File No. 0003356838) expired April 25, 2008;<sup>2</sup> and Petitioners have not requested leave, nor provided a justification, to file out of time. In accordance with recent FCC precedent enforcing its procedural rules strictly,<sup>3</sup> the Commission should reject the *Petition to Condition Referenced Proceedings* as untimely filed with respect to the ULS application.

Second, the *Petition to Condition Referenced Proceedings* lists a petition for declaratory ruling filed by the parent company of PTI Pacifica (Pacific Telecom Inc.) seeking FCC authorization for indirect foreign ownership of common carrier licenses above 25 percent. The *Petition to Condition Referenced Proceedings*, however, raises no argument whatsoever challenging Pacific Telecom's petition and, therefore, should be disregarded in that proceeding.

Third, the *Petition to Condition Referenced Proceedings* also supposedly opposes an application to assign an earth station license; but the earth station only receives a passing reference in a footnote.<sup>4</sup> Indeed, the focus of Petitioners' pleading (PTI's alleged high rates for its inter-island submarine cable) has no relevance to the earth station application. The Petitioners

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<sup>2</sup> See FCC Public Notice: Wireless Telecommunications Bureau Report 3974, April 9, 2008, at 2.

<sup>3</sup> See *Complaints Against Various Licensees Regarding Their Broadcast of the Fox Television Network Program "Married By America" on April 7, 2003*, File No. EB-03-IH-0162, Order, DA 08-819 (rel. April 4, 2008).

<sup>4</sup> *Petition to Condition Referenced Proceedings*, at 8 n.28.

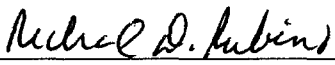
make no allegation that the earth station at issue is a bottleneck facility, nor could they. Any and all of the Petitioners that choose to file an appropriate application could receive a substantially identical earth station license on Guam from the FCC.

Finally, the *Petition to Condition Referenced Proceedings* lists an international Section 214 application. Again, the Petitioners' pleading makes no argument that PTI Pacifica should be barred from receiving authority to provide international services (which PTI Pacifica already possesses under a separate authorization); and thus the pleading should be disregarded as irrelevant with respect to the above-captioned international Section 214 proceeding.

As noted above, Applicants address the merits of Petitioners' allegations in their concurrently filed opposition filed in WC Docket No. 08-54, which pleading is hereby incorporated by reference.

Respectfully submitted,

**IT&E OVERSEAS, INC.**

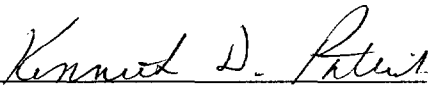
  
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CERTIFICATE OF SERVICE

I, Paula Lewis, do hereby certify that on this 19<sup>th</sup> day of May, 2008, a copy of the foregoing Joint Opposition to Petition to Condition was served via email upon the following:

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