



# PUBLIC NOTICE

**Federal Communications Commission**  
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DA 09-194  
February 5, 2009

## **DOMESTIC SECTION 214 AUTHORIZATION GRANTED**

### **Application Filed for the Transfer of Control of VoIP Tel, L.P.**

**WC Docket No. 08-218**

#### **By the Chief, Wireline Competition Bureau:**

On October 28, 2008, VoIP TEL, L.P. (VoIP Tel) filed an application pursuant to section 63.03 of the Commission's rules<sup>1</sup> seeking approval of a transfer of control that was consummated on December 15, 2007.

The Commission released a public notice accepting the application for non-streamlined processing on November 20, 2008.<sup>2</sup> On December 3, 2008, the Department of Justice, including the Federal Bureau of Investigation, with the concurrence of the Department of Homeland Security (collectively, the Executive Branch Agencies), filed a letter requesting that the Commission defer grant of this application while the Executive Branch Agencies address potential national security, law enforcement, and public safety concerns,<sup>3</sup> On January 30, 2009, the Executive Branch Agencies withdrew their December 3, 2008, request to defer action, stating that they have no comment on this transaction.<sup>4</sup>

The Wireline Competition Bureau finds, upon consideration of the record, that grant of the application will serve the public interest, convenience, and necessity. The transaction at issue was an internal transaction among existing owners that did not introduce outside ownership interests, and the transferee was not a telecommunications provider.<sup>5</sup>

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<sup>1</sup> 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214.

<sup>2</sup> *Domestic Section 214 Application Filed For the Transfer of Control of VoIP Tel, L.P.*, WC Docket No. 08-218, Public Notice, DA 08-2546 (rel. Nov. 20, 2008).

<sup>3</sup> *See* Letter from Joanne P. Ongman, U. S. Department of Justice, to Marlene H. Dortch, FCC, WC Docket No. 08-218 (filed Dec. 3, 2008).

<sup>4</sup> *See* Letter from Joanne P. Ongman, U. S. Department of Justice, to Marlene H. Dortch, FCC, WC Docket No. 08-218 (filed Jan. 30, 2009).

<sup>5</sup> 47 C.F.R. 63.03(b)(1)(ii).

Consistent with Commission precedent, the Wireline Competition Bureau accords the appropriate level of deference to the Executive Branch Agencies' expertise on national security and law enforcement issues.<sup>6</sup> Therefore, pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 0.291 of the Commission's rules, 47 C.F.R. § 0.291, the Wireline Competition Bureau hereby grants the application discussed in this Public Notice.

Pursuant to section 1.103 of the Commission's rules, 47 C.F.R. § 1.103, the grant is effective upon release of this Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Alex Johns, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1167.

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<sup>6</sup> The Commission considers national security, law enforcement, foreign policy, and trade policy concerns when analyzing a transfer of control or assignment application in which foreign ownership is an issue. *See Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Satellites Providing Domestic and International Service in the United States*, Report and Order, 12 FCC Rcd 24094, 24170-72, paras. 178-82 (1997); *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23919-21, paras. 61-66 (1997) ("*Foreign Participation Order*"), Order on Reconsideration, 15 FCC Rcd 18158 (2000). In assessing the public interest, the Commission considers the record and accords the appropriate level of deference to Executive Branch expertise on national security and law enforcement issues. *See Foreign Participation Order*, 12 FCC Rcd at 23919-21, paras. 61-66.