



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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WASHINGTON D.C. 20554

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DA No. 09-39

Report No. TEL-01337

Thursday January 15, 2009

## INTERNATIONAL AUTHORIZATIONS GRANTED

### Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) 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 25 percent foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b)(4).

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.

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**ISP-PDR-20080404-00010** P United Wireless Holdings Inc.  
Petition for Declaratory Ruling  
Grant of Authority Date of Action: 12/09/2008

United Wireless Holdings Inc. (Holdings or the "Petitioner") requests a declaratory ruling pursuant to section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), permitting up to 100 percent indirect foreign ownership of its direct and indirect, wholly-owned subsidiaries, United Spectrum Management Services LLC (United Spectrum) and SkyTel Spectrum LLC (United Sub), respectively, by a citizen of the United Kingdom. Holdings filed its petition in connection with the proposed transfer of control of United Spectrum to Holdings (0003385641) and the proposed assignment of licenses to United Sub (0003385370).

United Spectrum provides wholesale data services using spectrum in the 900 MHz band under a long-term de facto transfer lease. In addition, its newly formed subsidiary, United Sub, has filed an application for assignment to United Sub of wireless licenses that it will use for the provision of paging and narrowband personal communications services to the public. Holdings, United Spectrum, and United Sub are organized in the United States. Mr. Andrew Fitton, a U.K. citizen, owns 100 percent of the equity and voting interests in Holdings.

Pursuant to section 310(b)(4) and the rules and policies established in the Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), we find that it would not serve the public interest to prohibit the indirect foreign ownership of United Spectrum and United Sub in excess of the 25 percent benchmark of section 310(b)(4) of the Act. Specifically, this ruling permits the indirect foreign ownership of United Spectrum and United Sub by Mr. Andrew Fitton (up to and including 100%). United Spectrum and United Sub may accept up to and including an additional, aggregate 25 percent indirect foreign equity and/or voting interests from other foreign investors without seeking further Commission approval under section 310(b)(4).

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

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**ITC-214-20080131-00042** E Arbinet Carrier Services, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 01/09/2009

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).

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**ITC-214-20080725-00346** E Opextel, LLC  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Resale Service  
Grant of Authority Date of Action: 01/08/2009

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).

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**ITC-ASG-20081229-00550** E THE STATE LONG DISTANCE TELEPHONE COMPANY, LLC  
Assignment  
Grant of Authority Date of Action: 01/12/2009

**Current Licensee:** STATE LONG DISTANCE TELEPHONE COMPANY  
**FROM:** STATE LONG DISTANCE TELEPHONE COMPANY  
**TO:** THE STATE LONG DISTANCE TELEPHONE COMPANY, LLC

Notification filed December 29, 2008, of the pro forma assignment of international section 214 authorization, ITC-214-20080527-00242, from State Long Distance Telephone Company to The State Long Distance Telephone Company, LLC, effective December 11, 2008. State Long Distance Telephone Company converted from a Wisconsin corporation to a Delaware limited liability company.

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**ITC-ASG-20081230-00549** E Hawaiian Telcom Services Company, Inc., Debtor-in-Possession  
Assignment  
Grant of Authority Date of Action: 12/31/2008

**Current Licensee:** Hawaiian Telcom Services Company, Inc.  
**FROM:** Hawaiian Telcom Services Company, Inc.  
**TO:** Hawaiian Telcom Services Company, Inc., Debtor-in-Possession

Notification filed December 30, 2008, of the pro forma assignment of international section 214 authorizations, ITC-214-20040630-00512 and ITC-214-20040630-00513, held by Hawaiian Telcom Services Company, Inc. (HTSCI) to Hawaiian Telcom Services Company, Inc. Debtor-in-Possession, effective December 1, 2008. HTSCI and its parent corporations, Hawaiian Telcom Communications, Inc. and Hawaiian Telcom Holdco, Inc., filed for bankruptcy protection under Chapter 11 with the U.S. Bankruptcy Court for the District of Delaware (Case No. 08-13086) and entered debtor-in-possession status.

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**ITC-ASG-20090106-00005** E Net Lec, LLC  
Assignment  
Grant of Authority Date of Action: 01/14/2009

**Current Licensee:** Baynet, Inc.

**FROM:** Baynet, Inc.

**TO:** Net Lec, LLC

Notification filed January 6, 2009, of the pro forma assignment of international section 214 authorization, ITC-214-19970403-00193, held by Baynet, Inc. to Net Lec, LLC, effective December 31, 2008. Baynet and Net Lec are both wholly-owned subsidiaries of Northeast Communications of Wisconsin, Inc.

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**ITC-T/C-20081114-00501** E Vanco Direct USA, LLC  
Transfer of Control  
Grant of Authority Date of Action: 01/02/2009

**Current Licensee:** Vanco Direct USA, LLC

**FROM:** Vanco plc (in administration)

**TO:** Capital Growth Acquisition, Inc.

Application for consent to transfer the control of international section 214 authorization, ITC-214-20050331-00136, held by Vanco Direct USA, LLC (VDUL), from its 100 percent parent Vanco plc (in administration) (Vanco plc) to Capital Growth Acquisition, Inc. (Capital Growth). Vanco plc is currently in administration in an insolvency proceeding in the United Kingdom, which is the equivalent of a bankruptcy filing in the US. Pursuant to the terms of an Interest and Loan Purchase Agreement, Capital Growth has agreed to acquire all the limited liability company interests of VDUL from Vanco plc as well as all loans to VDUL from Vanco plc. Upon closing, VDUL will be a wholly-owned subsidiary of Capital Growth. Capital Growth is a wholly-owned subsidiary of Capital Growth Systems, Inc. (CGSI), a publicly-traded corporation. David J. Lies has a 12.7% ownership interest in CGSI. No other individual or entity has a 10 percent or greater direct or indirect equity or voting interest in CGSI.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

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**ITC-T/C-20081201-00522** E Pacifictel International, Inc.  
Transfer of Control  
Grant of Authority Date of Action: 01/14/2009

**Current Licensee:** Pacifictel International, Inc.

**FROM:** Pacifictel, S.A.

**TO:** CNT, S.A.

Notification filed December 1, 2008, and supplemented on December 31, 2008, of the pro forma transfer of control of international section 214 authorization, ITC-214-20071016-00424, held by Pacifictel International, Inc. from Pacifictel, S.A. to CNT, S.A., effective October 31, 2008. In a corporate restructuring, Fondo De Solidaridad, merged Pacifictel, S.A., the 100% direct parent of Pacifictel International, and Andinatel, S.A. into a newly formed entity, Corporacion Nacional de Telecomunicaciones CNT, S.A. (CNT, S.A.). As a result Pacifictel International is now a wholly-owned subsidiary of CNT, S.A., and remains a wholly-owned indirect subsidiary of Fondo De Solidaridad.

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**SURRENDER**

**ITC-214-19910913-00011** Verizon Airfone Inc.

By letter filed January 9, 2009, Applicant notified the Commission of the Surrender of its international section 214 authorization, effective December 31, 2008. (Old File No. ITC-91-216)

**ITC-214-19910920-00012** Verizon Airfone Inc.

By letter filed January 9, 2009, Applicant notified the Commission of the Surrender of its international section 214 authorization, effective December 31, 2008. (Old File No. ITC-91-238)

**ITC-214-20021031-00534** Maskina Communications, Inc.

By letter filed December 29, 2008, Applicant notified the Commission of the Surrender of its international section 214 authorization, effective December 29, 2008.

## 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 attached to 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://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>. 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) Carriers shall comply with the Commission's International Settlements Policy and associated filing requirements contained in Sections 43.51, 64.1001 and 64.1002 of the Commission's Rules, 47 C.F.R. §§ 43.51, 64.1001, 64.1002. The Commission modified these requirements most recently in International Settlements Policy Reform: International Settlement Rates, First Report and Order, FCC 04-53, 19 FCC Rcd 5709 (2004). In addition, any carrier interconnecting private lines to the U.S. public switched network at its switch, including any switch in which the carrier obtains capacity either through lease or otherwise, shall file annually with the Chief, International Bureau, a certified statement containing, on a country-specific basis, the number and type (e.g., 64 kbps circuits) of private lines interconnected in such manner. The Commission will treat the country of origin information as confidential. Carriers need not file their contracts for interconnection unless the Commission specifically requests. Carriers shall file their annual report on February 1 (covering international private lines interconnected during the preceding January 1 to December 31 period) of each year. International private lines to countries which the Commission has exempted from the International Settlements Policy at any time during a particular reporting period are exempt from this requirement. See 47 C.F.R. § 43.51(d). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at [http://www.fcc.gov/ib/pd/pf/isp\\_exempt.html](http://www.fcc.gov/ib/pd/pf/isp_exempt.html).

(5) Carriers authorized to provide private line service either on a facilities or resale basis are limited to the provision of such private line service only between the United States and those foreign points covered by their referenced applications for Section 214 authority. 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).

(6) A carrier may engage in "switched hubbing" to countries that do not appear on the Commission's list of U.S. international routes that are exempt from the International Settlements Policy, set forth in Section 64.1002, 47 C.F.R. § 64.1002, provided the carrier complies with the requirements of Section 63.17(b) of the rules, 47 C.F.R. § 63.17(b). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at [http://www.fcc.gov/ib/pd/pf/isp\\_exempt.html](http://www.fcc.gov/ib/pd/pf/isp_exempt.html).

(7) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.

(8) 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.

(9) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a). Carriers shall also file the quarterly reports required by Section 43.61 in the circumstances specified in paragraphs (b) and (c) of

that Section.

(10) Carriers shall file annual reports of circuit status and/or circuit additions in accordance with the requirements set forth in Rules for Filing of International Circuit Status Reports, CC Docket No. 93-157, Report and Order, 10 FCC Rcd 8605 (1995). See 47 C.F.R. § 43.82. See also §§ 63.22(e), 63.23(e). These requirements apply to facilities-based carriers and private line resellers, respectively. See also <http://www.fcc.gov/ib/pd/pf/csmanual.html>.

(11) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. Further, the grant of these applications shall not be construed to include authorization for the transmission of money in connection with the services the applicants have been given authority to provide. The transmission of money is not considered to be a common carrier service.

(12) 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.

(13) 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.

(14) 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.

#### Exclusion List for International Section 214 Authorizations

-- Last Modified December 22, 1999 --

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). In addition, the facilities listed shall not be used by U.S. carriers authorized under Section 63.18 of the Commission's Rules unless the carrier's Section 214 authorization specifically lists the facility. 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 generally 47 C.F.R. § 63.22.

#### Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice Report No. I-6831, dated July 27, 1993, "FCC to Accept Applications for Service to Cuba.")

#### Facilities:

All non-U.S.-licensed satellite systems that are not on the Permitted Space Station List, maintained at <http://www.fcc.gov/ib/sd/se/permitted.html>. See International Bureau Public Notice, DA 99-2844 (rel. Dec. 17, 1999).

This list is subject to change by the Commission when the public interest requires. Before amending the list, the Commission will first issue a public notice giving affected parties the opportunity for comment and hearing on the proposed changes. The Commission may then release an order amending the exclusion list. This list also is subject to change upon issuance of an Executive Order. See Streamlining the Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, FCC 96-79, 11 FCC Rcd 12,884, released March 13, 1996 (61 Fed. Reg. 15,724, April 9, 1996). A current version of this list is maintained at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>.

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