



# PUBLIC NOTICE

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

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DA No. 12-777

Report No. TEL-01560

Thursday May 17, 2012

## 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-20110809-00008 E DoCoMo Pacific, Inc.

Petition for Declaratory Ruling

Grant of Authority

Date of Action: 05/07/2012

DoCoMo Pacific, Inc. (DoCoMo or the "Petitioner") requests that the Commission extend Petitioner's existing declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), to cover Advanced Wireless Services (AWS) licenses it is acquiring from McCotter Hotel Operations, Inc., see ULS File Nos. 0004819444 and 000484078.

The Commission previously approved indirect foreign ownership of DoCoMo (*f/k/a/* Guam Cellular and Paging, Inc.) pursuant to section 310(b)(4) of the Communications Act in Applications of Guam Cellular and Paging, Inc. and DoCoMo Guam Holdings, Inc., WT Docket No. 06-96, Memorandum Opinion and Order and Declaratory Ruling, FCC 06-167, 21 FCC Rcd 13580, 13614 (2006) (the "DoCoMo ruling"). The DoCoMo ruling allowed indirect foreign ownership of DoCoMo by NTT DoCoMo, Inc. and its Japanese shareholders (up to and including 100% of the equity and voting interests), with the exception of Nippon Telegraph and Telephone Corporation (NTT); by NTT and its Japanese shareholders, through NTT's investment in NTT DoCoMo (up to and including 62.15% of the equity and voting interests), with the exception of the Japan Ministry of Finance; and by the Japan Ministry of Finance, through its investment in NTT (up to and including 23.95% of the equity interests and 38.53% of the voting interests). According to Petitioner, its indirect foreign ownership has not materially changed since the grant of that ruling.

DoCoMo is a corporation organized under the laws of Guam and wholly owned by DoCoMo Holdings, Inc., a U.S. corporation which, in turn, is wholly owned by NTT DoCoMo, Inc., a Japanese company which is publicly traded. NTT, a publicly traded, Japanese company, holds approximately 63.41% of the equity and voting interests of NTT DoCoMo, and the remaining 37.59% is held by Japanese and overseas corporations and individuals, none of which holds a 5% or greater interest. Petitioner states that at least 75% of NTT DoCoMo's outstanding shares are held by entities from World Trade Organization (WTO) Member countries. The Japanese government holds approximately 38.41% of the equity and voting interests in NTT and thus holds, indirectly, approximately 24.36% of the interests in NTT DoCoMo, in DoCoMo Holdings, Inc., and, in turn, in Petitioner. The remaining 61.59% of NTT stock is owned by Japanese and overseas corporations and individuals, none of which individually holds a five percent or greater ownership interest. According to Petitioner, NTT's outstanding shares are held at least 75% by entities from WTO Member countries.

Pursuant to section 310(b)(4) of the Act and the rules and policies established by the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), we find that the public interest would be served by extending DoCoMo's existing foreign ownership ruling, 21 FCC Rcd at 13614, to include the AWS licenses in Guam and the Commonwealth of the Northern Mariana Islands that DoCoMo is acquiring from McCotter Hotel Operations, Inc.

As acknowledged by Petitioner in this proceeding, grant of this authorization is subject to its continued compliance with the commitments set forth in the existing National Security Agreement (Agreement) between DoCoMo and its U.S. parent, on the one hand, and the Federal Bureau of Investigation, the U.S. Department of Justice, and the U.S. Department of Homeland Security, on the other, executed in October 2006 and appended to the DoCoMo ruling, 21 FCC Rcd at 13623.

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ITC-214-20100419-00494 E New Net USA L.L.C.

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority

Date of Action: 05/08/2012

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-214-20120301-00067 E T-Mobile USA, Inc.

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Grant of Authority

Date of Action: 05/04/2012

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

Applicant agrees to be classified as a dominant carrier on the U.S.-Montenegro route under section 63.10, 47 C.F.R. § 63.10.

Applicant requests that the Commission condition grant of the application on its continued compliance with the existing national security agreement, executed on January 21, 2001, between Deutsche Telekom AG and T-Mobile USA, Inc. and the Department of Justice and the Federal Bureau of Investigation, as amended on January 4, 2008 (to add the Department of Homeland Security). A copy of the security agreement and the amendment are publicly available at 16 FCC Rcd 9779, 9853 (2001), and 23 FCC Rcd 2515, 2529 (2008), respectively.

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ITC-T/C-20120330-00087 E

AboveNet International, Inc

Transfer of Control  
Grant of Authority

Date of Action: 05/11/2012

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

**FROM:** AboveNet, Inc.

**TO:** Zayo Group, LLC

Application filed for consent to the transfer of control of international section authorization, ITC-214-19990923-00617, held by AboveNet International, Inc. (ABN-International), from its parent, AboveNet, Inc., to Zayo Group, LLC (Zayo). Pursuant to an Agreement and Plan of Merger dated as of March 18, 2012, Zayo will acquire all of the outstanding interests in AboveNet, Inc. for cash. Viola Sub, Inc, a wholly-owned direct subsidiary of Zayo, will merge into AboveNet, Inc. with AboveNet, Inc. being the surviving entity. AboveNet, Inc. will thus become a wholly-owned direct subsidiary of Zayo. ABN-International will remain a wholly-owned indirect subsidiary of AboveNet, Inc. and become a wholly-owned indirect subsidiary of Zayo.

Zayo Group, LLC is a wholly-owned subsidiary of Zayo Group Holdings, Inc., which in turn is a wholly owned subsidiary of Communications Infrastructure Investments, LLC (CII). The following four partnerships each hold a greater than ten percent interest in CII: (1) Oak Investment Partners XII, Limited Partnership (16.85%) (General Partner: Oak Associates XII, LLC, executive managing members: Bandel L. Carano, Edward F. Glassmeyer, Ann H. Lamont, Fredric W. Harman); (2) M/C Venture Partners VI, L.P. (14.80%) (General Partner: M/C VP VI, L.P. (General Partner: M/C Venture Partners, LLC, managing members: James F. Wade, David D. Croll, Matthew Rubins, John Watkins, John Van Hooser)); (3) Columbia Capital Equity Partners IV (QP), LP (13.50%) (General Partner: Columbia Capital IV, LLC, managing members: James B. Fleming, Jr., R. Philip Herget, III, Harry F. Hopper III); and, (4) Charlesbank Equity Fund VI, Limited Partnership (12.54%) (General Partner: Charlesbank Equity Fund VI GP, Limited Partnership (General Partner: Charlesbank Capital Partners, LLC, managing members: Michael Eisenson, Tim Palmer, Kim Davis, Mark Rosen, Michael Choe, Brandon White, Jon Biotti, Andrew Janower, Michael Thonis)). No other person or entity has a ten percent or greater direct or indirect equity or voting interest in Zayo Group, LLC or AboveNet International, Inc.

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

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ITC-T/C-20120405-00094 E

AboveNet Communications, Inc.

Transfer of Control  
Grant of Authority

Date of Action: 05/11/2012

**Current Licensee:** AboveNet Communications, Inc.

**FROM:** AboveNet, Inc.

**TO:** Zayo Group, LLC

Application filed for consent to the transfer of control of international section authorization, ITC-214-19990218-00110, held by AboveNet Communications, Inc. (ABN-Comm), from its parent, AboveNet, Inc., to Zayo Group, LLC (Zayo). Pursuant to an Agreement and Plan of Merger dated as of March 18, 2012, Zayo will acquire all of the outstanding interests in AboveNet, Inc. for cash. Viola Sub, Inc, a wholly-owned direct subsidiary of Zayo, will merge into AboveNet, Inc. with AboveNet, Inc. being the surviving entity. AboveNet, Inc. will thus become a wholly-owned direct subsidiary of Zayo. ABN-Comm will remain a wholly-owned direct subsidiary of AboveNet, Inc. and become a wholly-owned indirect subsidiary of Zayo.

Zayo Group, LLC is a wholly-owned subsidiary of Zayo Group Holdings, Inc., which in turn is a wholly owned subsidiary of Communications Infrastructure Investments, LLC (CII). The following four partnerships each hold a greater than ten percent interest in CII: (1) Oak Investment Partners XII, Limited Partnership (16.85%) (General Partner: Oak Associates XII, LLC, executive managing members: Bandel L. Carano, Edward F. Glassmeyer, Ann H. Lamont, Fredric W. Harman); (2) M/C Venture Partners VI, L.P. (14.80%) (General Partner: M/C VP VI, L.P. (General Partner: M/C Venture Partners, LLC, managing members: James F. Wade, David D. Croll, Matthew Rubins, John Watkins, John Van Hooser)); (3) Columbia Capital Equity Partners IV (QP), LP (13.50%) (General Partner: Columbia Capital IV, LLC, managing members: James B. Fleming, Jr., R. Philip Herget, III, Harry F. Hopper III); and, (4) Charlesbank Equity Fund VI, Limited Partnership (12.54%) (General Partner: Charlesbank Equity Fund VI GP, Limited Partnership (General Partner: Charlesbank Capital Partners, LLC, managing members: Michael Eisenson, Tim Palmer, Kim Davis, Mark Rosen, Michael Choe, Brandon White, Jon Biotti, Andrew Janower, Michael Thonis)). No other person or entity has a ten percent or greater direct or indirect equity or voting interest in Zayo Group, LLC or AboveNet Communications, Inc.

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

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ITC-T/C-20120409-00093 E XcomIP, LLC

Transfer of Control

Grant of Authority

Date of Action: 05/11/2012

**Current Licensee:** XcomIP, LLC

**FROM:** XcomIP, LLC

**TO:** XcomIP, LLC

Application filed for consent to the transfer of control of international section authorization, ITC-214-20110406-00084, held by XcomIP, LLC from its current owner, Mr. Joseph Putegant to new owners. Mr. Putegant currently holds a 100% interest in XcomIP. He seeks to transfer his interest to three new owners. Yehuda Adams will hold a 45% interest in XcomIP. RLA-998 Capital Venture I, LLC, which is 100% owned and managed by Richard Anderson, will hold a 45% interest in XcomIP. Maryl Ravits will hold a 10% interest in XcomIP.

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

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ITC-T/C-20120427-00107 E Intelsat General Corporation

Transfer of Control

Grant of Authority

Date of Action: 05/16/2012

**Current Licensee:** Intelsat General Corporation

**FROM:** Intelsat Global S.A.

**TO:** Intelsat Global Holdings S.A.

Notification filed April 27, 2012, of the pro forma transfer of control of international section 214 authorization, ITC-MOD-20050329-00170, held by Intelsat General Corporation (Intelsat GC), from Intelsat Global S.A., to Intelsat Global Holdings S.A., effective March 30, 2012. In a comprehensive internal corporate reorganization, certain holding companies in the ownership structure of Intelsat were created and others were eliminated. Intelsat Global Holdings, S.A. was created as the parent holding company in the chain, replacing Intelsat Global, S.A. BCP Funds controls Intelsat Global Holdings, S.A. as it controlled Intelsat Global S.A. prior to the reorganization. In addition, several wholly-owned subsidiaries in the chain between Intelsat Global Holdings S.A. and Intelsat GC were eliminated and new ones were inserted. Ultimately, Intelsat GC continues to be controlled by BCP Funds through multiple intermediate wholly-owned holding companies.

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ITC-T/C-20120427-00108 E Intelsat USA License LLC

Transfer of Control

Grant of Authority

Date of Action: 05/16/2012

**Current Licensee:** Intelsat USA License LLC

**FROM:** Intelsat Global S.A.

**TO:** Intelsat Global Holdings S.A.

Notification filed April 27, 2012 of the pro forma transfer of control of international section 214 authorization, ITC-MOD-20051007-00445, ITC-214-20051031-00443, ITC-214-19930829-00248 (Old File No. ITC-94-272), and ITC-214-19920318-00117 (Old File No. ITC-92-141), held by Intelsat USA License LLC (Intelsat USA License), from Intelsat Global S.A., to Intelsat Global Holdings S.A., effective March 30, 2012. In a comprehensive internal corporate reorganization, certain holding companies in the ownership structure of Intelsat were created and others were eliminated. Intelsat Global Holdings, S.A. was created as the parent holding company in the chain, replacing Intelsat Global, S.A. BCP Funds controls Intelsat Global Holdings, S.A. as it controlled Intelsat Global S.A. prior to the reorganization. In addition, several wholly-owned subsidiaries in the chain between Intelsat Global Holdings S.A. and Intelsat USA were eliminated and new ones were inserted. Ultimately, Intelsat USA continues to be controlled by BCP Funds through multiple intermediate wholly-owned holding companies.

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## 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

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 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:

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.