



PUBLIC NOTICE

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DA No. 15-54
January 14, 2015

Notice of Intent to Declare the International Section 214 Authorization of ACT Telecommunications, Inc. Terminated

File ITC-214-20081201-00519

By this Public Notice, the International Bureau (“Bureau”) affords ACT Telecommunications, Inc. (“ACT”) final notice and opportunity to respond to the May 9, 2014 letter submitted by the Department of Justice, the Federal Bureau of Investigation, and the Department of Homeland Security (collectively the “Agencies”), requesting that the FCC terminate, and declare null and void and no longer of effect, the international section 214 authorization issued to ACT under file number **ITC-214-20081201-00519**.¹ The Agencies state that ACT has failed to comply with the commitments and undertakings made with the Agencies. Compliance with these commitments is a condition to the authorization issued to ACT by the Commission.² Neither the Commission nor the Agencies have been able to communicate with ACT to resolve this matter.

The International Bureau previously afforded ACT an opportunity to respond to the Agencies’ letter by Public Notice issued on June 27, 2014.³ The Bureau stated that it would deem ACT’s failure to respond as an admission of the facts alleged by the Agencies. ACT failed to respond to the Public Notice. The Bureau now provides final notice to ACT that it intends to declare ACT’s international 214 authorization terminated for failure to comply with conditions of its authorization. This Public Notice is being published in the Federal Register. The Bureau also is serving it upon ACT by certified mail, return receipt requested, at the last addresses of record which appear in Commission records.⁴

¹ Letter from Richard Sofield, Director, Foreign Investment Review Staff, National Security Division, U.S. Department of Justice to Marlene H. Dortch, Secretary of the Federal Communications Commission, dated May 9, 2014. A copy of the letter may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for ITC-214-20081201-00519 and accessing the “other filings related to this application” from the Document Viewing area.

² International Authorizations Granted, Report No. TEL-01393, Public Notice, 24 FCC Rcd 13364 (Int’l Bur. 2009).

³ Public Notice, DA 14-914, 29 FCC Rcd 7802 (Int’l Bur. 2014).

⁴ After having received an international 214 authorization, a carrier is responsible for the continuing accuracy of the information provided to the Commission in its application and must promptly correct information no longer accurate. *See* 47 C.F.R. 63.21(a). In addition, Section 413 of the Communications Act requires every carrier to designate an agent for service. 47 U.S.C. 413. *See also* 47 C.F.R. 1.47(h) and 64.1195. There is no record of ACT having filed information required by these rules subsequent to receiving its Section 214 authorization in 2009. The International Bureau is serving this Public Notice on the last address of record provided by ACT both in its international section 214 application and its filings in compliance with Commission rules implementing Section 413.

ACT must respond to this Public Notice no later than 15 days after publication in the Federal Register. ACT should address its response to the Chief, International Bureau and file it in File No. **ITC-214-20081201-00519** via IBFS at <http://licensing.fcc.gov/myibfs/pleading.do>. It should also copy the Associate Chief of the Policy Division, International Bureau at David.Krech@fcc.gov.

The proceeding in this Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s ex parte rules.⁵ Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b).⁶ Participants in this proceeding should familiarize themselves with the Commission’s ex parte rules.

For further information, please contact David Krech, Policy Division, International Bureau, at (202) 418-7443 or David.Krech@fcc.gov.

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⁵ 47 C.F.R. §§ 1.1200 *et seq.*

⁶ 47 C.F.R. § 1.1206(b).