



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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WASHINGTON D.C. 20554

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**Report No. TEL-01423NS**

**Wednesday April 21, 2010**

**NON STREAMLINED INTERNATIONAL APPLICATIONS/PETITIONS ACCEPTED FOR FILING  
Section 214 Applications (47 C.F.R. § 63.18); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16)  
and Section 310(b)(4)**

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

## Petition for Declaratory Ruling

ISAT US Inc. (ISAT US or Petitioner) requests a declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), that it would serve the public interest to allow up to 100 percent indirect foreign ownership of ISAT US. Petitioner seeks this ruling in connection with an application for authority to assign the license to operate mobile earth terminals on a common carrier basis held by Inmarsat Hawaii, Inc. to ISAT US. SES-ASG-20100107-00015.

ISAT US and Inmarsat Hawaii are both ultimately wholly owned by Inmarsat plc, which is a widely-held, publicly traded company organized under the laws of England and Wales. Petitioner notes that the Commission previously granted a declaratory ruling, pursuant to section 310(b)(4), allowing Inmarsat plc to acquire 100 percent of Stratos Global Corporation and its wholly-owned subsidiaries that hold common carrier licenses. Petitioner further asserts that, while its application involves the assignment of a license to ISAT, which was not evaluated in that transaction, ISAT is also ultimately wholly owned by Inmarsat plc and therefore should be granted a similar foreign ownership ruling. See Robert M. Franklin, Transferor, Inmarsat plc, Transferee, Consolidated Application for Consent to Transfer of Control of Stratos Global Corporation and its Subsidiaries from an Irrevocable Trust to Inmarsat plc, IB Docket No. 08-143, Memorandum Opinion and Order and Declaratory Ruling, 24 FCC Rcd 449 (IB 2009) application for review pending.

ISAT US, a Delaware corporation, is a wholly-owned subsidiary of Inmarsat U.S. Holdings, Inc., a Delaware corporation. Inmarsat U.S. Holdings, Inc. is wholly owned by Inmarsat Services Ltd. which is, in turn, wholly owned by Inmarsat Ventures Ltd. Inmarsat Ventures Ltd. is wholly owned by Inmarsat Investments Ltd. which is, in turn, wholly owned by Inmarsat Group Ltd. Inmarsat Group Ltd. is wholly owned by Inmarsat plc. Petitioner states that, with the exception of ISAT US and Inmarsat U.S. Holdings, Inc., each of the Inmarsat entities named above is formed under the laws of England and Wales and has its principal place of business in the United Kingdom, which is a World Trade Organization ("WTO") Member country.

The following entities or individuals hold ten percent or greater interests in Inmarsat plc, and indirectly in ISAT US: Harbinger Capital Partners Master Fund I, Ltd. ("Master Fund") and Harbinger Capital Partners Special Situations Fund, L.P. ("Special Fund") (collectively, 28.13%); HGW Holding Company, L.P. ("HGW") (28.13%); Harbinger Capital Partners LLC (investment manager to the Master Fund and Special Fund) (28.13%); Harbinger Capital Partners Special Situations GP, LLC ("HCPSS") (general partner of Special Fund) (28.13%); Harbinger Holdings, LLC (managing member of Harbinger Capital Partners LLC and HCPSS) (28.13%); HGW GP, Ltd ("HGWGP") (general partner of HGW) (28.13%); Philip A. Falcone (a U.S. citizen and managing member of Harbinger Holdings, LLC, portfolio manager to the Master Fund and Special Fund, and controlling interest holder in HGWGP) (28.13%); and Lansdowne Partners Limited ("Lansdowne") (13.04%, aggregate voting power held through management of various Lansdowne investment funds). The Master Fund, HGW and HGWGP are organized under the laws of the Cayman Islands, a WTO Member country. The Special Fund is a Delaware limited partnership. Each of the other named Harbinger entities is a Delaware limited liability company. Lansdowne was formed under the laws of the United Kingdom.

Petitioner asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), the indirect foreign ownership of ISAT US in excess of 25 percent is consistent with the public interest.

## Petition for Declaratory Ruling

Inmarsat Hawaii Inc. (Inmarsat Hawaii or "Petitioner") requests a declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), that it would serve the public interest to allow up to 100 percent indirect foreign ownership of Inmarsat Hawaii for purposes of its blanket license to operate mobile earth terminals on a common carrier basis.

Inmarsat Hawaii initially filed its request for declaratory ruling in connection with an application to operate mobile earth terminals ("MET") on a common carrier basis. See SES-LIC-20090217-00184, granted effective Oct. 22, 2009. Inmarsat Hawaii has refiled its request for declaratory ruling in a pending application to modify the MET license to allow it to operate up to 100,000 of the portable handset mobile earth terminal type known as the Inmarsat IsatPhone Pro, in addition to the current authorization for 30,000 mobile earth terminals. See SES-MOD-20100323-00347.

Inmarsat Hawaii is ultimately wholly owned by Inmarsat plc, which is a widely-held, publicly traded company organized under the laws of England and Wales. Petitioner notes that the Commission previously granted a declaratory ruling, pursuant to section 310(b)(4), allowing Inmarsat plc to acquire 100 percent of Stratos Global Corporation and its wholly-owned subsidiaries that hold common carrier licenses. Petitioner further notes that, like the Stratos Global subsidiaries evaluated in that transaction, Inmarsat Hawaii is also ultimately wholly owned by Inmarsat plc, and therefore should be granted a similar foreign ownership ruling. See Robert M. Franklin, Transferor, Inmarsat plc, Transferee, Consolidated Application for Consent to Transfer of Control of Stratos Global Corporation and its Subsidiaries from an Irrevocable Trust to Inmarsat plc, IB Docket No. 08-143, Memorandum Opinion and Order and Declaratory Ruling, 24 FCC Rcd 449 (IB 2009) application for review pending.

Inmarsat Hawaii, a Hawaii corporation, is a wholly-owned subsidiary of Inmarsat U.S. Holdings, Inc., a Delaware corporation. Inmarsat U.S. Holdings, Inc. is wholly owned by Inmarsat Services Ltd. which is, in turn, wholly owned by Inmarsat Ventures Ltd. Inmarsat Ventures Ltd. is wholly owned by Inmarsat Investments Ltd. which is, in turn, wholly owned by Inmarsat Group Ltd. Inmarsat Group Ltd. is wholly owned by Inmarsat plc. Petitioner states that, with the exception of Inmarsat Hawaii and Inmarsat U.S. Holdings, Inc., each of the Inmarsat entities named above is formed under the laws of England and Wales and has its principal place of business in the United Kingdom, which is a World Trade Organization ("WTO") Member country.

The following entities or individuals hold ten percent or greater interests in Inmarsat plc, and indirectly in Inmarsat Hawaii: Harbinger Capital Partners Master Fund I, Ltd. ("Master Fund") and Harbinger Capital Partners Special Situations Fund, L.P. ("Special Fund") (collectively, 28.13%); HGW Holding Company, L.P. ("HGW") (28.13%); Harbinger Capital Partners LLC (investment manager to the Master Fund and Special Fund) (28.13%); Harbinger Capital Partners Special Situations GP, LLC ("HCPSS") (general partner of Special Fund) (28.13%); Harbinger Holdings, LLC (managing member of Harbinger Capital Partners LLC and HCPSS) (28.13%); HGW GP, Ltd ("HGWGP") (general partner of HGW) (28.13%); Philip A. Falcone (a U.S. citizen and managing member of Harbinger Holdings, LLC, portfolio manager to the Master Fund and Special Fund, and controlling interest holder in HGWGP) (28.13%); and Lansdowne Partners Limited ("Lansdowne") (13.04%, aggregate voting power held through management of various Lansdowne investment funds). The Master Fund, HGW and HGWGP are organized under the laws of the Cayman Islands, a WTO Member country. The Special Fund is a Delaware limited partnership. Each of the other named Harbinger entities is a Delaware limited liability company. Lansdowne was formed under the laws of the United Kingdom.

Petitioner asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), the indirect foreign ownership of Inmarsat Hawaii in excess of the 25 percent benchmark in section 310(b)(4) is consistent with the public interest.

## Petition for Declaratory Ruling

PetroCom License Corporation ("PetroCom" or "Petitioner") requests that the Commission extend its existing declaratory rulings under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), to cover a nationwide, non-exclusive license of spectrum in the 3.65 GHz band. ULS Application File No. 0004011925. PetroCom states that the earlier ruling authorized its indirect foreign ownership of Cellular Radiotelephone, 800 MHz Specialized Mobile Radio (SMR), Advanced Wireless Service (AWS) licenses, Domestic Fixed Satellite transmit/receive earth station licenses and Very Small Aperture (VSAT) licenses. ISP-PDR-20060919-00012, ISP-AMD-20061116-00016; DA 07-9 (rel. Jan 4, 2007).

PetroCom is indirectly wholly owned by Trident Global Communications L.L.C. (Trident) through U.S. organized companies. Trident is majority-owned (91%) and controlled by H.I.G. Communications, L.L.C., a privately-held U.S. investment company. H.I.G. Communications, L.L.C. is wholly owned by H.I.G. Bayside Opportunity Fund, L.P., a U.S. limited partnership which is controlled by its 0.28 percent sole general partner, H.I.G. Bayside Advisors, L.L.C. which, in turn, is controlled by its non-equity managing member, H.I.G.-GPII, Inc, a Delaware corporation owned and controlled by two U.S. citizens, Anthony Tamer (50%) and Sami Mnyamneh (50%). H.I.G. Bayside Advisors has four non-managing, non-voting members, of which Kactus Investment Corporation, a privately-held Cayman Islands corporation, holds 40% in equity. Kactus is wholly owned by the Tamer Family Trust, a U.S.-based trust controlled by U.S. citizen, Anthony Tamer, its sole trustee holding irrevocable management rights. No other individuals or entities hold a 10% or greater direct or indirect equity or voting interest in Trident or, in turn, in PetroCom.

According to Petitioner, Kactus has its principal place of business in the United States, and the Tamer Family Trust has one beneficiary, a citizen of Lebanon who holds no voting interest but merely receives profit from the trust. Petitioner calculates that Kactus has a 0.1019% indirect equity interest in Trident and that Kactus may also be considered to have a 40% indirect voting interest in Trident as a result of Kactus's 40% ownership interest in Bayside Advisors, the controlling general partner of Bayside Opportunity, which, in turn, holds indirectly 91% of the equity and voting interests in Trident. See ISP-PDR-20060919-00012, ISP-AMD-20061116-00016; DA 07-9 (rel. Jan 4, 2007).

Petitioner asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), extending the existing Commission's declaratory ruling under §310(b)(4) to cover a nationwide, non-exclusive license of spectrum in the 3.65 GHz band is consistent with the public interest.

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**ITC-214-20100204-00079**      E                      Nextiva Inc

International Telecommunications Certificate

**Service(s):**            Global or Limited Global Resale Service

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-214-20100310-00104**      E                      UNITED GATEWAY LLC

International Telecommunications Certificate

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

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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**REMINDER:**

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001–.2003.

An updated version of Section 63.09-.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>