



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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WASHINGTON D.C. 20554

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**Report No. TEL-01445NS**

**Thursday August 5, 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.

## Amendment

Puerto Rico Telephone Company, Inc. (PRTC or "Petitioner") amends its pending petition for a declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), related to the 700 MHz Band licenses PRTC won in Auction No. 73 - ISP-PDR-20080103-00009. See Report No. TEL-01259NS (rel. Apr. 22, 2008). Specifically, PRTC requests the declaratory ruling permit the 40.18% indirect equity ownership of PRTC by Mr. Carlos Slim Helu and members of his immediate family (collectively, "Slim Family") in the 700 MHz Band licenses PRTC won in Auction No. 73. See ULS File No. 0003382234; DA 08-595 (rel. Mar. 20, 2008), amended by Erratum (rel. Mar. 26, 2008).

Petitioner states that an earlier ruling authorized indirect foreign ownership by the Slim Family of PRTC, a holder of certain common carrier radio licenses. See Verizon Communications, Inc. Transferor, and America Movil, S.A. de C.V., Transferee, WT Docket No. 06-113, Memorandum Opinion and Order and Declaratory Ruling, 22 FCC Rcd 6195 (2007). At that time the Slim Family had a 32.33% equity and 66.21% voting interest in America Movil. According to the Petitioner, on June 16, 2010 America Movil issued additional stock that increased the Slim Family's equity holdings from 32.4% to 40.18%. (The stock issuance did not change the Slim Family voting interest in America Movil.)

PRTC, is a wholly-owned subsidiary of Telecomunicaciones de Puerto Rico, Inc. (TELPRI), both U.S. entities organized under the laws of the Commonwealth of Puerto Rico. TELPRI is wholly owned by Tenedora Telpri, S.A. de C.V. (Tenedora), a corporation organized under the laws of Mexico, a World Trade Organization (WTO) Member Country. Tenedora in turn is 99.99% owned and controlled by Radiomóvil Dipsa, S.A. de C.V. (Telcel), also a Mexican company. Tenedora is 0.01% owned by Amov IV, S.A. de C.V. ("Amov IV"). Telcel is 99.99% owned and controlled by Sercotel, S.A. de C.V. (Sercotel). Telcel is 0.01% owned by Amov IV. Sercotel is 99.99% owned and controlled by América Móvil S.A.B. de C.V. (América Móvil). Sercotel is 0.01% owned by Amov IV. Both Sercotel and América Móvil are corporations organized under the laws of Mexico. Amov IV is a holding company organized under the laws of Mexico, and is 99.99% owned and controlled by Sercotel and 0.01% owned by Telcel. Mr. Carlos Slim Helu and certain members of his immediate family (all of whom are citizens of Mexico) directly and indirectly hold approximately 40.18% equity and 65.5% voting interests in América Móvil.

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 extension of its declaratory ruling to include the the 700 MHz Band licenses PRTC won in Auction No. 73 and the increased indirect equity ownership of PRTC by the Slim Family is consistent with the public interest.

Interested parties may file comments on or before August 19, 2010, and reply comments on or before August 26, 2010.

## Amendment

Puerto Rico Telephone Company, Inc. (PRTC or "Petitioner") amends its pending petition for a declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), related to the 700 MHz Band licenses PRTC won in Auction No. 78 - ISP-PDR-20080909-00018. See Report No. TEL-01317NS (rel. Oct. 10, 2008). Specifically, PRTC requests the declaratory ruling permit the 40.18% indirect equity ownership of PRTC by Mr. Carlos Slim Helu and members of his immediate family (collectively, "Slim Family") in the Advanced Wireless Services licenses PRTC won in Auction No. 78. See ULS File No. 0003574136; DA 08-1953 (rel. Aug. 25, 2008).

Petitioner states that an earlier ruling authorized indirect foreign ownership by the Slim Family of PRTC, a holder of certain common carrier radio licenses. See Verizon Communications, Inc. Transferor, and America Movil, S.A. de C.V., Transferee, WT Docket No. 06-113, Memorandum Opinion and Order and Declaratory Ruling, 22 FCC Rcd 6195 (2007). At that time the Slim Family had a 32.33% equity and 66.21% voting interest in America Movil. According to the Petitioner, on June 16, 2010 America Movil issued additional stock that increased the Slim Family's equity holdings from 32.4% to 40.18%. (The stock issuance did not change the Slim Family voting interest in America Movil.)

PRTC is a wholly-owned subsidiary of Telecomunicaciones de Puerto Rico, Inc. (TELPRI), both U.S. entities organized under the laws of the Commonwealth of Puerto Rico. TELPRI is wholly owned by Tenedora Telpri, S.A. de C.V. (Tenedora), a corporation organized under the laws of Mexico, a World Trade Organization (WTO) Member Country. Tenedora in turn is 99.99% owned and controlled by Radiomóvil Dipsa, S.A. de C.V. (Telcel), also a Mexican company. Tenedora is 0.01% owned by Amov IV, S.A. de C.V. ("Amov IV"). Telcel is 99.99% owned and controlled by Sercotel, S.A. de C.V. (Sercotel). Telcel is 0.01% owned by Amov IV. Sercotel is 99.99% owned and controlled by América Móvil S.A.B. de C.V. (América Móvil). Sercotel is 0.01% owned by Amov IV. Both Sercotel and América Móvil are corporations organized under the laws of Mexico. Amov IV is a holding company organized under the laws of Mexico, and is 99.99% owned and controlled by Sercotel and 0.01% owned by Telcel. Mr. Carlos Slim Helu and certain members of his immediate family (all of whom are citizens of Mexico) directly and indirectly hold approximately 40.18% equity and 65.5% voting interests in América Móvil.

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 extension of its declaratory ruling to include the Advanced Wireless Services licenses PRTC won in Auction No. 78 and the increased indirect equity ownership of PRTC by the Slim Family is consistent with the public interest.

Interested parties may file comments on or before August 19, 2010, and reply comments on or before August 26, 2010.

## Petition for Declaratory Ruling

America Movil S.A.B. de C.V. (American Movil or "Petitioner") requests that the Commission revise its existing declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), to permit the 40.18% indirect equity ownership of Puerto Rico Telephone Company ("PRTC") by Mr. Carlos Slim Helu and members of his immediate family (collectively, "Slim Family"). Petitioner states that an earlier ruling authorized indirect foreign ownership by the Slim Family of PRTC, a holder of certain common carrier wireless licenses. See Verizon Communications, Inc. Transferor, and America Movil, S.A. de C.V., Transferee, WT Docket No. 06-113, Memorandum Opinion and Order and Declaratory Ruling, 22 FCC Rcd 6195 (2007). At that time the Slim Family had a 32.33% equity and 66.21% voting interest in America Movil. According to the Petitioner, on June 16, 2010 America Movil issued additional stock that increased the Slim Family's equity holdings from 32.4% to 40.18%. (The stock issuance did not change the Slim Family voting interest in America Movil.)

PRTC is a wholly-owned subsidiary of Telecomunicaciones de Puerto Rico, Inc. (TELPRI), both U.S. entities organized under the laws of the Commonwealth of Puerto Rico. TELPRI is wholly owned by Tenedora Telpri, S.A. de C.V. (Tenedora), a corporation organized under the laws of Mexico, a World Trade Organization (WTO) Member Country. Tenedora in turn is 99.99% owned and controlled by Radiomóvil Dipsa, S.A. de C.V. (Telcel), also a Mexican company. Tenedora is 0.01% owned by Amov IV, S.A. de C.V. ("Amov IV"). Telcel is 99.99% owned and controlled by Sercotel, S.A. de C.V. (Sercotel). Telcel is 0.01% owned by Amov IV. Sercotel is 99.99% owned and controlled by América Móvil. Sercotel is 0.01% owned by Amov IV. Both Sercotel and América Móvil are corporations organized under the laws of Mexico. Amov IV is a holding company organized under the laws of Mexico, and is 99.99% owned and controlled by Sercotel and 0.01% owned by Telcel. Mr. Carlos Slim Helu and certain members of his immediate family (all of whom are citizens of Mexico) directly and indirectly hold approximately 40.18% equity and 65.5% voting interests in América Móvil.

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 increased indirect equity ownership of PRTC by the Slim Family is consistent with the public interest.

Interested parties may file comments on or before August 19, 2010, and reply comments on or before August 26, 2010.

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## Petition for Declaratory Ruling

Pacific Telecom Inc. (PTI or "Petitioner") requests that the Commission revise its existing declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b)(4), to permit Sumitomo Corporation to hold up to a 40% indirect interest in PTI Pacifica Inc. (Pacifica), a common carrier wireless licensee. Petitioner states that the Commission authorized indirect foreign ownership of Pacifica (then named GTE Pacifica, Inc.) of up to 100% by Prospector Investments Ltd. (Prospector), an entity organized under the laws of the Cayman Islands, and to accept up to and including an aggregate 25% indirect equity and/or voting interest from other foreign investors without prior Commission approval. See Bell Atlantic New Zealand et al. Application for Consent to Transfer Control and Petition for Ruling Pursuant to Section 310(b)(4) of the Communications Act, IB Docket No. 03-115, DA 03-3563, 18 FCC Rcd 23140 (2003) ("PTI Transfer Order"). In accordance with this ruling, PTI accepted a 25% investment from Sumitomo Corporation - a 20% direct interest from Sumitomo Corporation, an entity organized under the laws of Japan, a World Trade Organization (WTO) Member Country, and a 5% indirect interest through its wholly-owned subsidiary, Sumitomo Corporation of America (SCA), an entity organized in the United States (collectively, "Sumitomo"). Petitioner states that Prospector and Sumitomo are now negotiating an increase in Sumitomo's ownership in PTI beyond the current 25% interest.

Pacifica is a wholly-owned subsidiary of The Micronesian Telecommunications Corporation, which is a wholly-owned subsidiary of PTI, all U.S. entities organized under the laws of the Commonwealth of the Northern Mariana Islands, a self-governing commonwealth in political union with and under the sovereignty of the United States. Prospector currently holds a 75% equity and voting interest in PTI. The equity and voting interests of Prospector are held 60% by Ricardo C. Delgado and 40% by his son, Jose Ricardo Delgado, both citizens of the Philippines. Sumitomo Corporation holds a 25% direct and indirect equity and voting interest in PTI. Sumitomo Corporation is publicly traded on the Tokyo Stock Exchange with no single shareholder holding a 10 percent or greater interest.

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), an up to 40% indirect ownership of Pacifica by Sumitomo Corporation is consistent with the public interest.

PTI requests that the Commission condition grant of the requested authority on PTI's continued compliance with the terms of a network security agreement among PTI and MTC, on the one hand, and the Department of Justice, Federal Bureau of Investigation, Department of Defense and Department of Homeland Security, on the other, dated October 6, 2003. The agreement is incorporated as an appendix to the PTI Transfer Order, 18 FCC Rcd 23140.

Interested parties may file comments on or before August 19, 2010, and reply comments on or before August 26, 2010.

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## 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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Transfer of Control

**Current Licensee:** American Fiber Network, Inc.

**FROM:** MobilePro Corp.

**TO:** New Earthshell Corporation

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-19990908-00561, held by American Fiber Network, Inc. (AFN), from its 100 percent parent MobilePro Corp. (MobilePro) to New Earthshell Corporation (NEC). Pursuant to a purchase and sale agreement, NEC will purchase all of the issued and outstanding shares of common stock of AFN, and MobilePro will transfer to NEC all of the right, title and interest of MobilePro in and to the AFN common stock. Upon closing, AFN will become a wholly owned subsidiary of NEC.

NEC is wholly owned by YA Global Investments, L.P. (YA Global), a Cayman Islands exempt limited partnership. Yorkville Advisors, GP, LLC (Yorkville Advisors GP) is the general partner of YA Global. Yorkville Advisors GP is owned by Mark Angelo (70%), Matt Beckman (15%), Gerald Eicke (10%), and David Gonzalez (5%), all of whom are U.S. citizens. The investment manager of YA Global is Yorkville Advisors, LLC (Yorkville), which exercises de facto control over YA Global and NEC, and which will exercise de facto control over AFN upon closing. The following individuals, all U.S. citizens, hold equal rights to make decisions for Yorkville and hold equity ownership interests in Yorkville as follows: Mark Angelo (70%), Matt Beckman (15%), Gerald Eicke (10%), David Gonzalez (5%), Troy Rillo (0%), and Ed Schinik (0%). The following two entities, both Cayman Islands limited companies, hold 10 percent or greater ownership interests in YA Global: YA Offshore Global Investments, Ltd. (47.56%) and YA Offshore SPV 309 Ltd. (13.23%). No other individual or entity will hold a 10 percent or greater direct or indirect equity or voting interest in NEC or AFN.

#### 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>