



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Friday December 23, 2011

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 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

Software Cellular Network (North America) Ltd. (SCN) and its 100% direct parent, Truphone Limited (Truphone, and together with SCN, "Petitioners"), request that the Commission modify the existing declaratory ruling issued to SmartCall, LLC (SmartCall) and its wholly owned direct subsidiary, iSmart Mobile, LLC (iSmart), under section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"). Petitioners filed the instant petition for declaratory ruling in connection with the transfer of control of broadband PCS licenses held by iSmart, which occurred on November 2, 2011, without prior Commission approval. See ULS File No. 0004928994.

According to Petitioners, SmartCall and iSmart are limited liability companies organized in Delaware. SCN is a Delaware corporation that owns all of the membership interests in SmartCall. SCN's parent, Truphone, is a U.K.-organized company. The existing section 310(b)(4) ruling for SmartCall and iSmart authorizes their 100% indirect foreign ownership (through their U.S. parent, SCN) by Truphone and its foreign shareholders identified in the original petition. See Public Notice, International Authorizations Granted, DA 10-313, 25 FCC Rcd 1860 (IB 2011) (granting File No. ISP-PDR-20101001-00009). The ruling also authorizes SmartCall and iSmart to have up to and including an additional, aggregate 25 percent indirect equity and/or voting interests from the foreign investors identified in the original petition and new foreign investors without seeking prior Commission approval under section 310(b)(4) subject to the requirements that SmartCall and iSmart obtain Commission approval before any foreign individual or entity acquires individually an indirect equity or voting interest in excess of 25 percent and before aggregate indirect foreign investment from non-WTO Member countries exceeds 25%.

In the instant petition, SCN and Truphone seek authorization for the acquisition of a controlling 58.81% equity and voting interest directly in Truphone by Vollin Holdings Limited (Vollin), an entity organized in the British Virgin Islands. Vollin is wholly owned by Whiteclif Enterprises Limited (Whiteclif), also organized in the British Virgin Islands. Whiteclif, in turn, is wholly owned by two Russian citizens, Alexander Abramov (greater than 50% interest) and Alexander Frolov (less than 50% interest).

The Petitioners assert that, pursuant to 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), the indirect foreign ownership of SmartCall and iSmart in excess of the 25 percent benchmark in section 310(b)(4) of the Act is consistent with the public interest.

Modification

Telecom Italia Sparkle of North America, Inc. (TISNA) requests, pursuant to section 63.13 of the Commission's rules, 47 C.F.R. § 63.13, that the Commission reclassify TISNA as a non-dominant carrier on the U.S.-Austria, U.S.-Bolivia, U.S.-Brazil and U.S.-Cuba routes.

TISNA is classified as dominant on the U.S.-Austria route under section 63.10 of the Commission's rules, 47 C.F.R. § 63.10, because it was affiliated with Telekom Austria A.G., a foreign carrier presumed to have market power on the foreign-end of the route. Telecom Italia S.p.A. (Telecom Italia), the indirect 100% parent of TISNA, owned Telekom Austria A.G. TISNA states that in January 2004 Telecom Italia disposed of its remaining interests in Telekom Austria, and thus TISNA is no longer affiliated with Telekom Austria A.G.. Consequently, TISNA states that should be reclassified as non-dominant on the U.S.-Austria route.

TISNA is classified as dominant on the U.S.-Bolivia route under section 63.10 because it was affiliated with Entel S.A., a foreign carrier presumed to have market power on the foreign-end of the route. Telecom Italia owned Entel S.A. TISNA states that in 2008 Telecom Italia relinquished its interests in Entel S.A., and thus TISNA is no longer affiliated with Entel S.A.. Consequently, TISNA states that should be reclassified as non-dominant on the U.S.-Bolivia route.

TISNA is classified as dominant on the U.S.-Brazil route under section 63.10 because it was affiliated with Brasil Telecom Participacoes S.A. (Brasil Telecom), a foreign carrier presumed to have market power on the foreign-end of the route. Telecom Italia held an ownership interest in Solpart Participacoes, S.A., the holding company which controlled Brasil Telecom. TISNA states that in December 2007 Telecom Italia sold its ownership in Solpart Participacoes, S.A., and thus TISNA is no longer affiliated with Brasil Telecom. Consequently, TISNA states that should be reclassified as non-dominant on the U.S.-Brazil route.

TISNA is classified as dominant on the U.S.-Cuba route under section 63.10 because it was affiliated with Empresa de Telecomunicaciones de Cuba S.A. (ETECSA), a foreign carrier presumed to have market power on the foreign-end of the route. Telecom Italia had a 27% ownership interest in ETECSA. TISNA states that in January 2011 Telecom Italia sold all of its interests in ETECSA, and thus TISNA is no longer affiliated with ETECSA. Consequently, TISNA states that should be reclassified as non-dominant on the U.S.-Cuba route.

Interested parties may file comments on or before January 13, 2012, and reply comments on or before January 20, 2012.

Transfer of Control

Current Licensee: Software Cellular Network (North America) Ltd

FROM: Truphone Limited

TO: Vollin Holdings Limited

Application filed for the transfer of control of international section 214 authorization, ITC-214-20081112-00494, held by Software Cellular Network (North America) Ltd. (SCN), a Delaware corporation, from its 100% direct parent Truphone Limited (Truphone), a U.K. organized company, to Vollin Holdings Limited (Vollin), a British Virgin Islands entity. To raise additional capital for the company, Truphone undertook an emergency rights issue and on November 2, 2011, Vollin acquired a controlling 58.81% equity and voting interest in Truphone, without prior Commission approval. Vollin is wholly owned by Whiteclif Enterprises Limited (Whiteclif), also organized in the British Virgin Islands. Whiteclif, in turn, is owned by two Russian citizens, Alexander Abramov (greater than 50% interest) and Alexander Frolov (less than 50% interest).

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>