



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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WASHINGTON D.C. 20554

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**Report No. TEL-01651NS**

**Wednesday January 15, 2014**

**Non Streamlined International Applications/Petitions Accepted For Filing  
Section 214 Applications (47 C.F.R. § 63.18); Section 310(b) Petitions**

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

Great American Broadband, Inc. (GAB or "Petitioner") requests a declaratory ruling permitting Pearl Capital Holdings LLC (Pearl Capital), a Delaware limited liability company that is ultimately beneficially owned and controlled by a foreign citizen, to hold a non-controlling ownership interest in GAB in excess of the 20 percent limit in section 310(b)(3) of the Communications Act of 1934, as amended (the "Act"). GAB filed its Petition pursuant to the Commission's section 310(b)(3) forbearance policy, adopted in IB Docket No. 11-133 and codified in section 1.990(a)(2) of the Commission's rules, 47 C.F.R. § 1.990(a)(2). See Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended, First Report and Order, FCC 12-93, 27 FCC Rcd 9832 (2012). See also Second Report and Order, FCC 13-50, 28 FCC Rcd 5741 (2013) (codifying section 310(b)(3) forbearance policy adopted in the First Report and Order) ("Foreign Ownership Second Report and Order").

GAB states that it issued a 39.3 percent capital stock (equity and voting) interest to Pearl Capital in 2011 without prior Commission approval and is filing the Petition to rectify the oversight. GAB asserts that grant of the Petition will facilitate the sale of its three common carrier wireless licenses that are subject to the foreign ownership restrictions of section 310(b)(3) and that, upon consummation, GAB will no longer hold licenses subject to section 310(b)(3). See ULS File No. 0005744542. According to the Petition, GAB has not operated as a common carrier or constructed the facilities authorized by the subject 700 MHz Service licenses.

Petitioner explains that, on May 29, 2008, Pearl Capital agreed to lend GAB \$1 million pursuant to a Loan Agreement and Convertible Promissory Note (Note) and that the funds were used almost exclusively to help fund the operations of GAB's fixed wireless broadband business in Indiana. According to the Petition, the sole member of Pearl Capital is the Amethyst Trust, which is a U.S. domestic trust. The administrative trustee is J.P. Morgan Trust Company and the investment trustee and sole beneficiary is Mr. Iftikhar Shirazi. Mr. Shirazi is a citizen of Pakistan, and resides in New Jersey. Petitioner states that, other than Mr. Shirazi, all of GAB's owners are U.S. citizens.

Petitioner further explains that, on May 31, 2011, GAB and Pearl Capital agreed that the Note would convert into 39.3 percent of the stock of GAB. All other shares of GAB continued to be held by U.S. citizens, including Mr. Robert L. Schmidt, GAB's largest shareholder (43.02% equity and voting interest), Chairman and Chief Executive Officer. GAB states that, at that time, GAB overlooked that it still held the 700 MHz licenses because it no longer had any intention to use the licenses in its business and GAB never provided common carrier service. GAB states that it discovered its omissions in preparing for the sale of the licenses to AT&T, Inc.

GAB requests that the Commission issue a declaratory ruling that permitting Pearl Capital, as indirectly owned and controlled by Mr. Shirazi, to hold its 39.3 percent ownership interest in GAB is consistent with the public interest.

Interested parties may file comments on or before January 29, 2014, and reply comments on or before February 5, 2014.

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## Petition for Declaratory Ruling

Telecom North America Mobile, Inc. (TNA-Mobile or "Petitioner") requests that the Commission extend its declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"). Petitioner filed the instant petition in connection with a spectrum manager leasing arrangement for a portion of a cellular radio authorization covering rural areas of Nevada. See ULS File No. 0005459553.

Petitioner states that TNA-Mobile is a Nevada corporation, owned 100 percent by Telecom North America, Inc. (TNA), also a Nevada corporation. According to the Petition, TNA is owned by three individuals as follows: Mr. Johannes Gottschalk, a German citizen and permanent U.S. resident (44.5%); Mr. Herve R. Andrieu, a French citizen and permanent U.S. resident (44.5%); and Mr. Michael Choupak, a U.S. citizen (22%).

Petitioner notes that it has previously sought and obtained a section 310(b)(4) ruling 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). That ruling approved the foreign ownership of TNA in excess of the 25 percent benchmark in section 310(b)(4) by Messrs. Gottschalk and Andrieu in connection with TNA-Mobile's acquisition of a broadband Personal Communications Service (PCS) license covering Cedar County, Missouri. See International Authorizations Granted, Public Notice, DA 11-259, 26 FCC Rcd 1359, 1362 (Int'l Bur. 2011) (permitting Mr. Gottschalk and Mr. Andrieu to each have a 50 percent ownership interest in TNA, subject to TNA's compliance with the commitments and undertakings contained in its January 11, 2001 letter to the U.S. Department of Justice).

In support of the instant Petition, TNA-Mobile states that it agrees to accept all conditions which were imposed on it in connection with the grant of its prior declaratory ruling request, including the conditions set forth in TNA's January 11, 2001 letter to the U.S. Department of Justice. Petitioner asserts that grant of the instant Petition to extend TNA-Mobile's existing declaratory ruling to cover the service areas for which TNA-Mobile has filed a spectrum manager leasing arrangement in ULS File No. 0005459553 would be in the public interest.

Interested parties may file comments on or before January 29, 2014, and reply comments on or before February 5, 2014.

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## 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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**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>