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Federal Communications Commission
Office of the Secretary

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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Re: NTIA Letter Regarding Information and Certifications from Applicants and Petitioners for Certain International Authorizations, IB Docket No. 16-155

Dear Ms. Dortch:

The undersigned respectfully submits the following comments in support of the letter from the National Telecommunications and Information Administration (“NTIA Letter”)¹ on behalf of certain clients with an interest in transactions and international authorizations involving regulated telecommunications companies. These comments are in response to the May 12, 2016, Federal Communications Commission (“Commission”) Public Notice in the above-captioned docket.

The NTIA Letter’s general proposal, to require applicants seeking, *inter alia*, international section 214 authorizations (and transfers thereof) to submit additional information and certifications with their applications in order to streamline the Executive Branch agency review process (commonly known as the “Team Telecom” process), is a positive step that deserves the Commission’s support. The process is often long and uncertain, lacking transparency and with no mandatory or statutory deadlines, and applicants are completely unaware of when they will receive responses or support from Team Telecom allowing the FCC to complete its review and grant the new Section 214 authorization or transfer of control. This uncertainty can be harmful to applicants, especially applicants or investors that seek to secure third party financing for a proposed transaction. The existence of this uncertainty and lack of predictability has a chilling effect on prospective purchasers’ interest in

¹ Letter from The Honorable Lawrence E. Strickling, Assistant Secretary for Communications & Information, U.S. Department of Commerce to Marlene H. Dortch, Secretary, FCC (filed May 10, 2016).

entering into, and financing sources' willingness and ability to fund, change of control transactions that are potentially subject to Team Telecom review. Further, when the Team Telecom process is protracted, such transactions have a greater likelihood of ultimately being terminated because of changes in interest rates and share prices, and numerous other market fluctuations.

While the NTIA Letter's general proposal is a positive step, two additional measures should be considered when drafting a notice of proposed rulemaking to address issues raised in the Letter. First, a finite period (e.g., 30 days) for Team Telecom to review initial applications that would otherwise be subject to streamlined review should be proposed. A fixed deadline would provide a degree of certainty that is much sought after by applicants, and should reduce the length of the process.

Second, there should be heightened confidentiality protections for ownership and other sensitive data submitted as part of the application process. The NTIA Letter proposes that more detailed and comprehensive information be provided upfront in sensitive areas such as shareholder information, financial conditions, and operational information. However, the Letter does not discuss any additional confidentiality guarantees that would be provided to the applicants that provide this information. Without such protections, the increased efficiency in the process that the Letter seeks is unlikely to be realized because applicants may refrain from providing sensitive information upfront, which would lead to the same back and forth with Team Telecom that the Letter proposes to reduce.

Please address any questions to the undersigned.

Respectfully submitted,

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