

STAMP AND RETURN

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
PACIFIC TELECOM INC.)
)
)
Petition for Declaratory)
Ruling Under Section 310(b)(4))
of the Communications Act of 1934, as)
Amended, to Permit Acquisition of)
Common Carrier Licenses)

File No. ISP-PDR - _____
AU Docket No. 07-157
WT Docket No. 06-150
PS Docket No. 06-229

FILED/ACCEPTED
DEC - 9 2007
Federal Communications Commission
Office of the Secretary

PETITION OF PACIFIC TELECOM INC. FOR DECLARATORY RULING UNDER SECTION 310(b)(4) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

Pacific Telecom Inc. ("Pacific Telecom" or "PTI") hereby requests a declaratory ruling that the potential acquisition by its wholly-owned subsidiary PTI Pacifica, Inc. ("PTI Pacifica") of wireless licenses that are subject to FCC Auctions 73 and 76 for the 700 MHz band is consistent with the public interest standard under Section 310(b)(4) of the Communications Act of 1934, as amended (the Act").

Proposed auction participant PTI Pacifica is a corporation domiciled in the Commonwealth of the Northern Mariana Islands ("CNMI"). PTI Pacifica is a wholly-owned subsidiary of another CNMI corporation, The Micronesian Telecommunications Corporation ("MTC"), which in turn is wholly-owned by CNMI corporation PTI. PTI is majority-owned (75%) by Prospector Investments Limited ("Prospector"), a company organized under the laws of the Cayman Islands, British West Indies. Prospector is owned by two related individuals: (1) Ricardo C. Delgado, a citizen of the Philippines,

holds a 60% equity and voting interest in Prospector; and (2) Jose Ricardo Delgado, also a citizen of the Philippines, holds a 40% equity and voting interest in Prospector. The remaining 25% ownership interest in PTI is held by Sumitomo Corporation, a company organized under the laws of Japan that holds a 20% equity interest, and its wholly-owned subsidiary Sumitomo Corporation of America, a company organized under the laws of the United States of America, which holds a 5% equity interest. Because PTI is ultimately 100 percent non-U.S.-owned, grant of common carrier license applications requires a finding by the Commission pursuant to Section 310 (b)(4) of the Act that indirect foreign ownership in excess of 25 percent is not inconsistent with the public interest.

The FCC already has issued two declaratory rulings finding that PTI's indirect non-U.S. ownership of FCC common carrier licenses is consistent with the public interest. The FCC's first declaratory ruling, issued in 2003, authorized PTI Pacifica to hold a cellular license and a common carrier earth station license.¹ The second ruling in 2006 authorized PTI Pacifica to hold a PCS license.²

¹ *Bell Atlantic New Zealand Holdings, Inc., Transferor and Pacific Telecom Inc., Transferee, Applications for Consent to Transfer Control of a Submarine Cable Landing License, International and Domestic Section 214 Authorizations, a Cellular Radiotelephone License, Common Carrier and Non-Common Carrier Satellite Earth Station Licenses, and a Petition for Declaratory Ruling Pursuant to Section 310(b)(4) of the Communications Act*, 18 FCC Rcd 23140 (2003) ("2003 Transfer Order").

² *Application of Bell Atlantic New Zealand Holdings, Inc., Assignor, and GTE Pacifica, Inc., Assignee, for the Assignment of Personal Communications Service (PCS) License WQCV808 (MTA 050)*, DA 06-2197, 21 FCC Rcd 12097 (2006) at ¶ 17 ("2006 PCS Order").

Because PTI's ownership is essentially the same as when the FCC issued the *2006 PCS Order* (the only difference from the *2006 PCS Order* is that Sumitomo Corporation reduced its direct equity interest in PTI from 25% to 20% by assigning a 5% interest to its wholly-owned U.S.-incorporated subsidiary Sumitomo Corporation of America), PTI submits that no new foreign ownership issues are raised by PTI Pacifica's participation in the 700 MHz auction and that the FCC should extend its previous Section 310(b)(4) findings to any 700 MHz licenses, in any geographic location, in the event PTI Pacifica wins at the auction.

Respectfully submitted,

PACIFIC TELECOM INC.



Kenneth D. Patrich
Timothy J. Cooney

WILKINSON BARKER KNAUER, LLP
2300 N Street, N.W., Suite 700
Washington, DC 20037
(202) 78 3-4141

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