

Categories of Services for 214 Applications
(Streamline/Non-streamline)

ITC-98-545

- ASSIGNMENT OF LICENSE
- GLOBAL FACILITIES-BASED SERVICE
- GLOBAL FACILITIES-BASED/GLOBAL RESALE SERVICE
- GLOBAL RESALE SERVICE
- INDIVIDUAL FACILITIES-BASED SERVICE
- INTERCONNECTED PRIVATE LINE RESALE SERVICE
- LIMITED GLOBAL FACILITIES-BASED SERVICE/LIMITED GLOBAL RESALE SERVICE
- LIMITED GLOBAL FACILITIES-BASED SERVICE
- LIMITED GLOBAL RESALE SERVICE
- INMARSAT AND MOBILE SATELLITE SERVICE
- SWITCHED RESALE SERVICE
- TRANSFER OF CONTROL
- SUBMARINE CABLE LANDING LICENSE
- INTERNATIONAL SPECIAL PROJECT

Description of Application: _____

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SWIDLER
BERLIN

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FCC/MELLON JUL 17 1998

COPY

July 17, 1998

VIA COURIER

Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
International Bureau - Telecommunications Division
P.O. Box 358115
Pittsburgh, PA 15251-5115

Re: Application of Internet Technology Group (US), Inc. for Section
214 International Global Facilities-Based Authority and Global
Resale Authority

Dear Ms. Salas:

Enclosed for filing with the Commission are an original and six (6) copies of the application of Internet Technology Group (US), Inc. pursuant to Section 214 of the Communications Act. As required by the Commission's Rules, enclosed is a check in the amount of \$745.00, payable to the Federal Communications Commission.

Please date-stamp the extra copy of this application and return it in the enclosed self-addressed, stamped envelope. If you have any questions concerning this application, please do not hesitate to contact the undersigned.

Respectfully submitted,


Helen Disenhaus

Counsel for
Internet Technology Group (US), Inc.

Enclosure

cc: Richard Brocksom
Kevin D. Minsky

244758.1

3000 K STREET, N.W. ■ SUITE 300
WASHINGTON, D.C. 20007-5116
(202) 424-7500 ■ WWW.SWIDLAW.COM ■ FACSIMILE (202) 424-7645

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BEFORE PROCEEDING

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REMITTANCE ADVICE

APPROVED BY CMB 3060-0589

35815

(1) LOCKBOX #

PAGE NO. _____ OF _____

SPECIAL USE

FGC USE ONLY
ITC-98-546

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

Swidler & Berlin, Chartered

(4) STREET ADDRESS LINE NO. 1

3000 K Street, N.W., Suite 300

(6) STREET ADDRESS LINE NO. 2

(6) CITY

Washington

(7) STATE

DC

(8) ZIP CODE

20007

(9) DAYTIME TELEPHONE NUMBER (include area code)

(202) 424-7500

(10) COUNTRY CODE (if not in U.S.A.)

(3) TOTAL AMOUNT PAID (dollars and cents)

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)

Internet Technology Group (US) Inc.

(12) STREET ADDRESS LINE NO. 1

113-123 Upper Richmond Road

(13) STREET ADDRESS LINE NO. 2

(14) CITY

London

(15) STATE

(16) ZIP CODE
SW5 2TL

(17) DAYTIME TELEPHONE NUMBER (include area code)

011-44-181-957-1122

(18) COUNTRY CODE (if not in U.S.A.)

44

COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

SECTION C - PAYMENT INFORMATION

(19A) FCC CALL SIGN/OTHER ID

(20A) PAYMENT TYPE CODE (PTC)

C U T

(21A) QUANTITY

745.00

(22A) FEE DUE FOR (PTC) IN BLOCK 20A

(19B) FCC CALL SIGN/OTHER ID

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22B) FEE DUE FOR (PTC) IN BLOCK 20B

(19C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 20C

(19D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 20D

(19E) FCC CODE 1

(20E) PAYMENT TYPE CODE (PTC)

(21E) QUANTITY

(22E) FEE DUE FOR (PTC) IN BLOCK 20E

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(23) PAYER TIN

0 5 2 1 2 5 8 9 9 1

(24) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IS DIFFERENT FROM PAYER NAME IN A-3)

APPLICANT TIN

0 9 8 0 1 9 0 2 1 7

SECTION E - CERTIFICATION

(25) CERTIFICATION STATEMENT

1. *Kevin D. Minsky* (PRINT NAME)

Certify under penalty of perjury that the foregoing and supporting information

are true and correct to the best of my knowledge, information and belief. SIGNATURE

Kevin Minsky

(26) MASTERCARD/AMERICAN EXPRESS ACCOUNT NUMBER

MasterCard account number grid

EXPIRATION DATE

Month Year expiration date grid

MASTERCARD

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorizations(s) herein described.

AUTHORIZED SIGNATURE

DATE

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)

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

In the Matter of

Internet Technology Group (US), Inc.

File No. I-T-C-98-545

Application for Global Authority Pursuant to)
Section 214 of the Communications Act)
of 1934, as amended, to Operate as an)
International Facilities-Based and Resale Carrier)
Between the United States and Various)
International Points)

APPLICATION

Internet Technology Group (US), Inc. (“ITG-US” or “Applicant”), a direct, wholly-owned subsidiary of Internet Technology Group, PLC, by its undersigned counsel, hereby requests “global” authority, under Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214 (1982), and Section 63.18 of the Commission’s Rules, 47 C.F.R. § 63.18 (1997), to provide international telecommunications services between the United States and international points other than those excluded by the Exclusion List. Pursuant to Section 63.12, of the Commission’s Rules, 47 C.F.R. § 63.12 (1997), this Application is eligible for streamlined processing.

I. The Proposed International Services

ITG-US requests four types of authority in this Application, all of which are eligible for streamlined processing.^{1/} ITG-US specifically requests (1) global facilities-based authority pursuant to Section 63.18(e)(1) of the FCC's Rules, 47 C.F.R. § 63.18(e)(1), to acquire ownership interests in U.S.-authorized facilities as well as necessary connecting facilities to provide international telecommunications services between the United States and all international points except those countries excluded by the Exclusion List;^{2/} (2) global authority pursuant to Section 63.18(e)(2) of the Commission's Rules, 47 C.F.R. § 63.18(e)(2), to resell international switched services of all unaffiliated U.S.-authorized carriers to provide international switched services between the United States and all international points served by those carriers other than those countries listed on the Exclusion List; (3) global authority pursuant to Section 63.18(e)(2)(A) of the FCC's rules, 47 C.F.R. § 63.18(e)(2)(A), to resell international private lines to provide international non-interconnected private line services between the United States and all international points except those countries excluded by the Exclusion List; and (4) authority pursuant Section 63.18(e)(2)(B) of the FCC's Rules, 47 C.F.R. § 63.18(e)(2)(B), to resell international private lines interconnected to the public switched network ("PSN") at one or both ends to provide international switched services on all

^{1/} See *Streamlining the International 214 Authorization Process and Tariff Requirements*, IB Docket No. 95-118, FCC 96-79 (released March 13, 1996) (adopting streamlined 35-day processing procedures for certain international resale applications) ("*Streamlining Order*"); 47 C.F.R. § 63.12 (1997); *Rules and Policies of Foreign Market Participation in the U.S. Telecommunications Market*, IB Docket 97-142, *Report and Order on Reconsideration*, FCC 97-398 (rel. Nov. 26, 1997) ("*Foreign Market Participation Order*").

^{2/} Pursuant to the *Streamlining Order*, the FCC permits applicants who obtain global facilities-based authority to thereafter acquire additional capacity in any U.S.-owned facilities without requesting further authority under Section 214. *Streamlining Order* ¶ 16.

international routes on which the Commission permits such services to be provided.^{3/} As ITG-US does not seek authority to serve any country or use facilities excluded by the Exclusion List, and does not seek to serve any country in which it has a facilities-based affiliate with market power, ITG-US's application for authority pursuant to Section 214 is eligible for streamlined processing.^{4/}

ITG-US believes that the added competition its entry will bring to the market will benefit the consumers of United States-overseas services. These benefits include competitive pricing and increased availability of a variety of service options. A grant of this Application will therefore further the public interest.

II. The Applicant

ITG-US, a Delaware corporation, is a direct, wholly-owned subsidiary of Internet Technology Group, PLC ("ITG"), which is a public limited company incorporated and registered under the laws of Scotland. ITG-US has its headquarters at 113-123 Upper Richmond Road, London, England, SW15 2TL and its registered agent is The Corporation Trust Company located at 1209 Orange Street, Wilmington, Delaware 19801. ITG-US can be reached by telephone at 011-44-181-957-1122, or by facsimile at 011-44-181-957-1100.

ITG-US plans to operate as an international telecommunications service provider but does not currently hold any authorization pursuant to Section 214 of the Communications Act, as amended, to provide such services. ITG-US is not affiliated, as that term is defined by Part 63 of

^{3/} See *Streamlining Order* ¶ 34. See also *International Settlement Rates*, IB Docket 96-261, *Report and Order*, FCC 97-280 (rel. Aug. 18, 1997) ("*Benchmarks Order*"); *Foreign Market Participation Order*.

^{4/} See *Streamlining Order*, 47 C.F.R. § 63.12 (1997).

the Commission's Rules,^{5/} with any dominant U.S. carriers whose international services ITG-US will resell. ITG-US is not affiliated, within the meaning of Section 63.18(h)(1)(i), 47 C.F.R. § 63.18(h)(1)(i), of the Commission's Rules, with any foreign carriers. Therefore, ITG-US should be classified as a nondominant carrier for the provision of the services for which authority is requested in this Application, and ITG-US's Application is eligible for streamlined processing.

III. Public Interest Considerations

In the *Market Entry Order*, the Commission set forth the following policy goals for its regulation of the U.S. international telecommunications market: to promote effective competition in the U.S. telecommunications market, particularly the market for international telecommunications services; to prevent anticompetitive conduct in the provision of international services or facilities; and to encourage foreign governments to open their communications markets.^{6/} The Commission also stated that "establishing an effectively competitive global communications market could result in reduced rates, increased quality, and new innovative services."^{7/} In addition, the Commission found that "effective competition directly advances the public interest and the Commission's paramount goal of making available a rapid, efficient, worldwide wire and radio communication service with adequate facilities at reasonable charges."^{8/}

^{5/} 47 C.F.R. §63.18(h); *Market Entry and Regulation of Foreign-Affiliated Entities, Report (Order)*, 11 FCC Rcd 3875 (1995) ("Market Entry Order").

^{6/} See *Market Entry Order* at ¶ 6.

^{7/} *Id.*

^{8/} *Id.* at ¶ 10.

Grant of ITG-US's request for facilities-based and resale authority to provide international services as requested in this Application will directly further the Commission's policies of bringing increased competition to the U.S. international telecommunications services market and is therefore in the public interest.

IV. Information Required under Section 63.18

As required by Section 63.18 of the Commission's Rules, ITG-US submits the following information:

- (a) Name, address, and telephone number of Applicant:
- Internet Technology Group (US), Inc.
113-123 Upper Richmond Road
London, England SW15 2TL
011-44-181-957-1122 (Tel.)
011-44-181-957-1100 (Fax)

ITG-US's registered agent is the following:

The Corporation Trust Company
1209 Orange Street
Wilmington, Delaware 19801

- (b) ITG-US is a corporation organized under the laws of ~~Delaware~~.

- (c) Correspondence concerning this Application should be sent to:

Helen Disenhaus, Esq.
Swidler & Berlin, Chartered
3000 K Street, NW, Suite 300
Washington, D.C. 20007
(202) 424-7725 (Tel.)
(202) 424-7645 (Fax)

with a copy to:

Richard Brocksom
Internet Technology Group (US), Inc.
113-123 Upper Richmond Road
London, England SW15 2TL
011-44-181-957-1183 (Tel.)
011-44-181-957-1154 (Fax)

- (d) ITG-US has not previously received authority under Section 214 of the Act. Upon grant of this application, ITG-US will become a nondominant carrier with authority pursuant to Section 214 of the Communications Act of 1934, as amended, and the Commission's Rules, to operate as an international facilities-based and resale carrier. ITG-US lacks the market power that would allow it to control prices to the detriment of market competition.
- (e) ITG-US requests Section 214 authority to operate as a facilities-based carrier pursuant to the terms and conditions of Section 63.18(e)(1) and to operate as a resale carrier pursuant to the terms and conditions of Section 63.18(e)(2). Specifically, ITG-US requests: (1) global facilities-based authority pursuant to Section 63.18(e)(1) of the FCC's Rules, 47 C.F.R. § 63.18(e)(1), to acquire ownership interests in U.S.-authorized facilities as well as necessary connecting facilities to provide international telecommunications services between the United States and all international points except those countries excluded by the Exclusion List; (2) global authority pursuant to Section 63.18(e)(2) of the Commission's Rules, 47 C.F.R. § 63.18(e)(2), to resell international switched services of all unaffiliated U.S.-authorized carriers to provide international switched services between the United States and all international points served by those carriers other than those countries listed on the Exclusion List; (3) global authority pursuant to Section 63.18(e)(2)(A) of the FCC's rules, 47 C.F.R. § 63.18(e)(2)(A), to resell international private lines to provide international non-interconnected private line services between the United States and all international points except those countries excluded by the Exclusion List; and (4) authority pursuant Section 63.18(e)(2)(B) of the FCC's Rules, 47 C.F.R. § 63.18(e)(2)(B), to resell international private lines interconnected to the public switched network ("PSN") at one or both ends to provide international switched services on all international routes on which the Commission permits such services to be provided.⁹⁷

⁹⁷ See *Streamlining Order* ¶ 17. The *Foreign Participation Order* eliminates the equivalent resale opportunities test for World Trade Organization ("WTO") member country routes. *Foreign* (continued...)

(f) ITG-US seeks authority to provide only services referenced under paragraph (e) of Section 63.18 of the Commission's Rules.

(g) The authority requested in this Application is categorically excluded from environmental processing as defined by Section 1.306 of the Commission's Rules, 47 C.F.R. § 1.1306. As such, an environmental assessment is not required for purposes of this Application and is therefore not attached.

(h) ITG-US is not "affiliated", either directly or indirectly, with any foreign carrier as that term is defined in the Commission's Rules.^{10/} No director or officer of ITG-US is a director or officer of another telecommunications carrier.

The following entities hold, or will hold at the time authority requested herein may be granted, a ten percent (~~10%~~) or greater, direct or indirect, ownership interest in ITG-US:

Name:	Internet Technology Group, PLC
Address	113-123 Upper Richmond Road London, England SW15 2TL
Telephone Number:	011-44-181-957-1122
Facsimile:	011-44-181-957-1100
Citizenship:	United Kingdom
Principal Business:	Internet Service Provider

^{2/}(...continued)

Participation in the U.S. Telecommunications Market, IB Docket No. 96-111, Report and Order, FCC 97-298 (rel. Nov. 26, 1997) ("*Foreign Participation Order*"). Pursuant to the *Streamlining Order*, the FCC has stated it will automatically amend all Section 214 authorizations to resell international private lines and to provide international switched services between the United States and countries that afford U.S. carriers equivalent resale opportunities to add all countries found to meet the equivalent resale opportunities standard. *Streamlining Order* ¶ 34.

^{10/} 47 C.F.R. §63.18(h).

The following entities hold, or will hold at the time authority requested herein may be granted, a ten percent (10%) or greater, direct or indirect, ownership interest in ITG:

Name: Mr. Jan Murray ✓
Address: The Wynne House

Park Road

Banstead, Surrey (United Kingdom) SM7 3EF

Telephone Number: 011-44-181-957-1122

Citizenship: United Kingdom

Principal Business: Non-Executive Chairman of Internet Technology Group, PLC

- (i) As required by Section 63.18(i) of the Commission's Rules, 47 C.F.R. § 63.18(i), ITG-US certifies that it has not agreed to accept nor shall it accept in the future any special concessions, as defined by the Commission's Rules, directly or indirectly from any foreign carrier with respect to traffic or revenue flows between the U.S. and any foreign country which ITG-US may be authorized to serve, except such concessions as may be permitted under Section 63.14 of the Commission's Rules, 47 C.F.R. § 63.14, because the foreign carrier does not possess sufficient market power in the destination country to affect competition adversely in the U.S. market.

- (j) ITG-US is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. ITG-US's certification pursuant to Section 1.2002 of the Commission's Rules (implementing the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 3301) is attached.

- (k) ITG-US requests streamlined processing of this application. ITG-US is not affiliated with any foreign carriers and therefore qualifies for streamlined processing under 47 C.F.R. § 63.12(a).

CONCLUSION

For the reasons stated above, ITG-US respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Section 214 Application.

Respectfully submitted,

Internet Technology Group (US), Inc.

By:



Helen E. Disenhaus, Esq.
Swidler & Berlin, Chartered
3000 K Street, NW, Suite 300
Washington, D.C. 20007
(202) 424-7725 (Tel.)
(202) 424-7645 (Fax)

Counsel for Internet Technology Group (US), Inc.

Dated: July 17, 1998

EXHIBIT LIST

Certification of Applicant

CERTIFICATION OF APPLICANT

On behalf of Internet Technology Group (US), Inc. (or "Applicant"), and in accordance with Section 1.2001-1.2003 of the Commission's Rules, 47 C.F.R. §§ 1.2001-1.2003, I hereby certify that no party to this Application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. See 21 U.S.C. § 853a. I also hereby certify that the statements in the foregoing Application for Section 214 authority are true, complete, and correct to the best of my knowledge and are made in good faith.

As required by Section 63.18(i) of the Commission's Rules, 47 C.F.R. § 63.18(i), Applicant certifies that it has not agreed to accept nor shall it accept in the future: any special concessions, as defined by the Commission's Rules, directly or indirectly from any foreign carrier with respect to traffic or revenue flows between the U.S. and any foreign country which Applicant may be authorized to serve, except such concessions as may be permitted under Section 63.14 of the Commission's Rules, 47 C.F.R. § 63.14, because the foreign carrier does not possess sufficient market power in the destination country to affect competition adversely in the U.S. market.

Internet Technology Group (US), Inc.
(Company Name)

By:



Name:

R.A. BROWNSON

Title:

DIRECTOR

Date: July 17, 1998