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

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APPROVED BY OMB 3060-058	READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING FEDERAL COMMINICATIONS COMMISSION

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

WASHINGTON OFFICE
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE (202) 424-7647

August 20, 1998

NEW YORK OFFICE 919 THIRD AVENUE NEW YORK, NY 10022-9998 TELEPHONE (212) 758-9500 FACSIMILE (212) 758-9526

VIA OVERNIGHT MAIL

Federal Communications Commission
ATTN: Ms. Diane Cornell, Division Chief
International Bureau - Telecommunications Division
P.O. Box 358115
Pittsburgh, PA 15251-5115

Re: Application of CTC Communications of Virginia Inc. for Section 214 International Global Facilities-Based Authority and Global Resale

Dear Ms. Cornell:

countries found to offer equivalent resale opportunities to U.S. carriers. network at one or both ends to provide international switched services between the United States and all international points; and (4) authority to resell international private lines interconnected to the public switched the United States and all international points served by those carriers; (3) global authority to resell switched services of all unaffiliated authorized carriers to provide international switched services between services between the United States and all international points; (2) global authority to resell international authorized international facilities and connecting facilities to provide international telecommunications international private lines to provide international private line services between the United States and all Act. CTC-VA is requesting authority for (1) global facilities-based authority to acquire interests in U.S. Communications of Virginia Inc. ("CTC-VA") for authority pursuant to Section 214 of the Communications Enclosed for filing with the Commission are an original and six (6) copies of the application of CTC

concerning this filing, please do not hesitate to contact the undersigned. Thank you very much it in the enclosed self-addressed, stamped envelope. If you or anyone at the Commission has any questions the Federal Communications Commission. Please date-stamp the extra copy of this application and return As required by the Commission's Rules, enclosed is a check in the amount of \$745.00, payable to



Counsel for CTC Communications of Virginia Inc.

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

In the Matter of

CTC COMMUNICATIONS OF VIRGINIA INC.

Application for Global Authority Pursuant to
Section 214 of the Communications Act
of 1934 as amended to Operate as an

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

international points (1997), to provide international telecommunications services between the United States and as amended, 47 U.S.C. § 214, and Section 63.18 of the Commission's Rules, 47 C.F.R. § 63.18 counsel, hereby requests "global" authority, under Section 214 of the Communications Act of 1934, CTC Communications of Virginia Inc., ("CTC-VA" or "Applicant"), by its undersigned

I. The Proposed International Services

streamlined processing. 1/ CTC-VA pursuant to Section 63.18(e)(1) of the FCC's Rules, 47 C.F.R. § 63.18(e)(1), to acquire interests in CTC-VA requests four types of authority in this Application, all of which are eligible for specifically requests: (1) global facilities-based authority

resale applications) ("Streamlining Order"); 47 C.F.R. § 63.12 (1998). FCC Rcd 12884 (1996) (adopting streamlined 35-day processing procedures for certain international See Streamlining the International 214 Authorization Process and Tariff Requirements, 11

to Section 214 is eligible for streamlined processing.4/ countries in which it has a facilities-based affiliate, CTC-VA's Application for authority pursuant to serve countries or use facilities excluded by the Exclusion List, and does not seek to serve which the Commission permits such services to be provided. 3/ ("PSN") at one or both ends to provide international switched services on all international routes on points; and (4) authority pursuant to Section 63.18(e)(2) of the FCC's Rules, 47 C.F.R. § international non-interconnected private line services between the United States and all international 63.18(e)(2), to resell international private lines interconnected to the public switched network 63.18(e)(2) of the FCC's rules, 47 C.F.R. §63.18(e)(2), to resell international private lines to provide and all international points served by those carriers; (3) global authority pursuant to Section of all U.S.-authorized carriers to provide international switched services between the United States 63.18(e)(2) of the FCC's Rules, 47 C.F.R. § 63.18(e)(2), to resell the international switched services except those countries excluded by the Exclusion List;2/(2) global authority pursuant to Section international telecommunications services between the United States and all international points half-circuits in U.S.-authorized facilities as well as necessary connecting facilities to provide As CTC-VA does not seek authority

14

List. 12 CTC-VA only seeks authority to own circuits on facilities not excluded by the Exclusion

^{97-280 (}rel. Aug. 18, 1997) (Benchmarks Order); Rules and Policies of Foreign Market Participation other countries as provision of such services becomes permitted by the Commission. Streamlining international private lines to provide international switched services between the United States and ıω FCC 97-398 (rel. Nov. 26, 1997) (Foreign Market Participation Order). in the U.S. Telecommunications Market, IB Docket 97-142, Report and Order on Reconsideration Order at ¶ 34. See also, International Settlement Rates, IB Docket 96-261, Report and Order, FCC The FCC will automatically amend all Section 214 authorizations to permit carriers to resell

See Streamlining Order; 47 C.F.R. § 63.12 (1998).

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

II. The Applicant

eligible for streamlined processing of the services for which authority is requested in this Application, and CTC-VA's Application is foreign carriers. Therefore, CTC-VA should be classified as a nondominant carrier for the provision affiliated, as that term is defined by Part 63 of the Commission's Rules with any dominant U.S subsidiary of CTC Communications Corp. ("CTC"), a Massachusetts corporation. 51 CTC-VA is not whose international services CTC-VA will resell. CTC-VA is a corporation organized under the laws of Virginia. CTC-VA is a wholly-owned CTC-VA is not affiliated, with any

III. Public Interest Considerations

also stated that "establishing an effectively competitive global communications market could result and to encourage foreign governments to open their communications markets.⁷/ services; to prevent anti-competitive conduct in the provision of international services or facilities; in the U.S. telecommunications market, particularly the market for international telecommunications regulation of the U.S. international telecommunications market: to promote effective competition In the Market Entry Order, the Commission set forth the following policy goals for its The Commission

¹⁵ CTC was granted Section 214 authority in Docket No. ITC-95-187

Order, 16 11 FCC Rcd 3875 (1995) (Market Entry Order). 47 C.F.R. §63.18(h); Market Entry and Regulation of Foreign-Affiliated Entities, Report and

[∠] Id. at ¶

service with adequate facilities at reasonable charges." 9/ paramount goal of making available a rapid, efficient, worldwide wire and radio communication found that "effective competition directly advances the public interest and the Commission's in reduced rates, increased quality, and new innovative services." In addition, the Commission

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

IV. Information Required under Section 63.18

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

(a) Name, address and telephone number of Applicant:

CTC Communications of Virginia Inc

360 Second Avenue

Waltham, Massachusetts 02154

Tel: (781) 466-8080

Fax:(781) 466-1306

9 Applicant is a corporation incorporated under the laws of Virginia

Id. at ¶ 10.

19

<u>8</u>/ *Id.*

<u>O</u> Correspondence regarding this Application should be sent to:

Dana Frix
Jonathan D. Draluck
SWIDLER & BERLIN, CHARTERED
3000 K Street, N.W., Suite 300
Washington, D.C. 20007

Tel: (202) 424-7500 Fax: (202) 424-7645

with a copy to:

Pamela L. Hintz

Director of Regulatory and Tariff Compliance

CTC Communications of Virginia Inc.

360 Second Avenue

Waltham, MA 02154

Tel: (781) 466-1242 Fax: (781) 466-1306

(d) the Communications Act of 1934, as amended, and the Commission's Rules. CTCfacilities-based carrier and reseller with global authority, subject to Section 214 of market competition. VA lacks the market power that would allow it to control prices to the detriment of Upon grant of this Application, CTC-VA will become an authorized non-dominant

e 63.18(e)(2) of the FCC's rules, 47 C.F.R. §63.18(e)(2), to resell international private international points served by those carriers; (3) global authority pursuant to Section carriers to provide international switched services between the United States and all 63.18(e)(2), to resell the international switched services of all U.S.-authorized global authority pursuant to Section 63.18(e)(2) of the FCC's Rules, 47 C.F.R. § international points except those countries excluded by the Exclusion List; (2) provide international telecommunications services between the United States and all circuits in U.S.-authorized facilities as well as necessary connecting facilities to 63.18(e)(1) of the FCC's Rules, 47 C.F.R. § 63.18(e)(1), to acquire interests in halfcarrier pursuant to the terms and conditions of Section 63.18(e)(2). Specifically, pursuant to the terms and conditions of Section 63.18(e)(1) and to operate as a resale lines to provide international non-interconnected private line services between the CTC-VA requests: (1) global facilities-based authority pursuant to Section CTC-VA requests Section 214 authority to operate as a facilities-based carrier

List.

CTC-VA only seeks authority to own circuits on facilities not excluded by the Exclusion

United States and all international points; and (4) authority pursuant Section 63.18(e)(2) of the FCC's Rules, 47 C.F.R. § 63.18(e)(2), to resell international the Commission permits such services to be provided. ends to provide international switched services on all international routes on which private lines interconnected to the public switched network ("PSN") at one or both

- (f)(e) of Section 63.18 of the Commission's Rules. CTC-VA seeks the authority to provide only the services referenced under paragraph
- (g) 47 C.F.R. § 1.1306. As such, an environmental assessment is not required for environmental processing as defined by Section 1.1306 of the Commission's Rules, purposes of this Application and is therefore not attached. The authority requested in this Application is categorically excluded
- (h) 63.18(h)(1)(i). services CTC-VA proposes to resell. CTC-VA is not affiliated with any foreign carriers as defined by Section 63.18(h)(1)(i) of the FCC's Rules, 47 C.F.R. § Commission's Rules, with any U.S. facilities-based carrier whose international CTC-VA certifies that it is not affiliated, as that term is defined by Part 63 of the

management interest in CTC Communications of Virginia Inc.: The following entities hold a ten percent (10%) or greater ownership or

Name: CTC Communications Corp.

Address: 360 Second Avenue

Waltham, Massachusetts

Percentage Held: 100°

Citizenship: Massachusetts

Principal Business: Telecommunications

interest in CTC Communications Corp.: The following entities hold a ten percent (10%) or greater ownership or management

Name: Robert J. Fabbricatore
Address: 360 Second Avenue

Waltham, MA 02154

Percentage Held: approximately 27.5% Citizenship: U.S.

Principal Business: Telecommunications

Address: Spectrum Equity Investors II, L.P.

Name:

29th Floor One International Place

Percentage Held: Citizenship: Boston, Massachusetts 02110 approximately 12.9%

Principal Business: Investment

Address: Name: William P. Collatos

One International Place

29th Floor

Percentage Held: approximately 12.9% Boston, Massachusetts 02110

Citizenship:

Principal Business: Telecommunications

Address: Name: Kevin J. Maroni

One International Place

29th Floor

Percentage Held: Boston, Massachusetts 02110

approximately 12.9%

Citizenship:

Principal Business: Telecommunications

interest in Spectrum Equity Investors II, L.P.: The following entities hold a ten percent (10%) or greater ownership or management

Address: Name: One International Place William P. Collatos

29th Floor

Boston, Massachusetts 02110

approximately 12.9%

Citizenship: Percentage Held:

Principal Business: Telecommunications

Name: Kevin J. Maroni

Address: One International Place

29th Floor

Percentage Held: Boston, Massachusetts 02110

approximately 12.9%

Citizenship:

Principal Business: Telecommunications

Name: Address: Brian B. Applegate

One International Place

29th Floor

Boston, MA 02110

approximately 12.9%

Percentage Held:

Citizenship:

Principal Business: Telecommunications

CTC-VA's interlocking directorate report is included as Attachment A.

- Ξ special concessions, as defined by the Commission's Rules, directly or indirectly between the U.S. and any foreign country for which CTC-VA may be authorized to from any foreign carrier or administration with respect to traffic or revenue flows CTC-VA certifies that it has not agreed to accept nor shall it accept in the future any As required by Section 63.18 (i) of the Commission's Rules, 47 C.F.R. § 63.18(i),
- 9 21 U.S.C. § 3301) is attached. of the Commission's Rules (implementing the Anti-Drug Abuse Act of 1988, Anti-Drug Abuse Act of 1988. CTC-VA's certification pursuant to Section 1.2002 CTC-VA is not subject to a denial of Federal benefits pursuant to Section 5301 of the

CONCLUSION

that the public interest, convenience, and necessity would be furthered by a grant of this Section 214 Application. For the reasons stated above, CTC Communications of Virginia Inc., respectfully submits

By:

Respectfully submitted, Frix

3000 K Street, N.W., Suite 300 SWIDLER & BERLIN, CHARTERED han D. Draluck

(202) 424-7500 (tel) Washington, DC 20007

(202) 424-7645 (fax)

Counsel for CTC Communications of Virginia

Dated: August 20, 1998

ATTACHMENT A

Interlocking Directorate Report of CTC Communications of Virginia Inc.

CTC COMMUNICATIONS OF VIRGINIA INC. SCHEDULE OF INTERLOCKING DIRECTORATES

SCHEDULE A

	John D. Pittenger		Robert J. Fabbricatore	Individual's Name
CTC	CTC-VA	CTC	CTC-VA	Organization's Name
Executive Vice President- Finance & Administration, Treasurer & Clerk	Executive Vice President- Finance & Administration, Treasurer & Clerk	Chairman, Chief Executive Officer	Chairman, Chief Executive Officer	Title

CERTIFICATION OF APPLICANT

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

Rules, and has not agreed to enter into such agreements in the future. granted under Section 214 of the Communications Act of 1934, as amended, and the Commission's traffic or revenue flow between the United States and various international points under the authority special concessions directly or indirectly from any foreign carrier or administration with respect to To the extent required by the Commission's rules, CTC-VA has not agreed to accept any

CTC COMMUNICATIONS OF VIRGINIA INC.

By:

Name:

Hintz

Title:

Director of Regulatory

& Tariff Compliance

Date:

August 1998