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Federal Communications Commission

Office of Secretary

International Bureau **Policy Division** 

By Messenger

October 28, 2005

Marlene H. Dortch

Secretary

445 12th Street, S.W. Federal Communications Commission

Washington, D.C. 20554

Notification of Foreign Carrier Affiliates, Subsidiary Operating Under Parent's

Columbia Ventures Corporation, ITC-214-19980829-00606 International Section 214 Authorization, and Name Changes of Operating Subsidiaries;

Dear Ms Dortch:

of their intent to operate under CVC's international Section 214 authorization have changed their that several of CVC's wholly-owned subsidiaries that have previously notified the Commission subsidiary of CVC, intends to operate under CVC's international Section 214 authorization, and hereby notifies the Commission that one of these new affiliates, which is a wholly-owned it has become affiliated with two additional non-dominant foreign carriers. In addition, CVC Columbia Ventures Corporation ("CVC"), by its attorneys, hereby notifies the Commission that

both are non-dominant.4 provide telecommunications services in Ireland (a member of the World Trade Organization) and European Access Providers Limited ("EAPL").3 Both Magnet and EAPL are authorized to Pursuant to Sections 63.11(b)(2)(i) and 63.11(c) of the Commission's rules, <sup>2</sup> CVC notifies the Commission that it has become affiliated with Magnet Networks Limited ("Magnet") and

international Section 214 authorization. See Letter from Joan E. Neal, counsel to CVC, to Marlene H. dominant foreign carriers and that several wholly-owned subsidiaries intended to operate under CVC's <sup>1</sup> On May 6, 2004, counsel for CVC notified the Commission that CVC is affiliated with certain non-Dortch, Secretary, Federal Communications Commission, File No. ITC-214-19980820-00606 (May 6,

<sup>&</sup>lt;sup>2</sup> 47 C.F.R. §§ 63.11(b)(2)(i), 63.11(c).

<sup>&</sup>lt;sup>3</sup> Magnet acquired a license to provide telecommunications services in Ireland, and thus became a foreign carrier affiliate of CVC, in October 2004. CVC acquired an affiliation with EAPL in April 2005

access markets in Ireland, they are presumptively considered non-dominant. See id. § 63.10(a)(3). <sup>4</sup> Because neither Magnet nor EAPL holds 50 percent or more in the international transport and the local

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officer of Magnet. Otherwise, CVC has no other interlocking directorates with Magnet or and Ingvar Gardarsson is a vice president of CVC and a director and the acting chief executive EAPL. In addition, Bjarni Thorvardarson is a vice president of CVC and a director of Magnet ownership interest in CVC. Mr. Peterson is a director of CVC and also a director of Magnet and management business. No other person or entity holds a ten percent or more direct or indirect Vancouver, Washington, 98684. Mr. Peterson is principally involved in the investment and States citizen. Mr. Peterson's business address is 203 SE Park Plaza Drive, Suite 270, including Ireland. CVC is 100 percent directly owned by Kenneth D. Peterson, Jr., a United global facilities-based and resold telecommunications services to all international points, CVC is authorized under the above-referenced international Section 214 authorization to provide

indirect subsidiary of CVC. services. Magnet is a corporation organized under the laws of Ireland and is a wholly-owned above-referenced international Section 214 authorization for global facilities-based and resale In addition, please also consider this letter as notification pursuant to Section 63.21(h) of the Commission's rules<sup>5</sup> that Magnet intends to (but has not yet begun to) operate under CVC's

that the following wholly-owned subsidiaries, which have previously notified the Commission of their intent to operate under CVC's international Section 214 authorization, have changed their names: Further, pursuant to Section 63.21(i) of the Commission's rules, 6 CVC notifies the Commission

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<sup>&</sup>lt;sup>5</sup> *Id.* § 63.21(h).

<sup>&</sup>lt;sup>6</sup> *Id.* § 63.21(i).

of Hibernia Atlantic U.S. LLC was changed as of May 6, 2005; the name of Hibernia Atlantic (UK) <sup>7</sup> See supra n.1. This series of name changes was completed as of October 25, 2005 as follows: the name changed as of October 25, 2005. changed as of July 5, 2005; and the name of Hibernia Atlantic Communications (Canada) Company was Limited was changed as of June 21, 2005; the name of Hibernia Atlantic Cable System Limited was

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If you have any questions concerning this notification, please contact the undersigned.

Very truly yours,

John E. Meal 1sx

Joan E. Neal Counsel to Columbia Ventures Corporation

Enclosure

### CERTIFICATION

hereby certify that: I, James P. Prenetta, Jr., General Counsel of Columbia Ventures Corporation ("CVC"),

- 63.11(b)(2)(i), 63.11(c). pursuant to Sections 63.11(b)(2)(i) and Section 63.11(c) of the Commission's rules, 47 C.F.R. §§ Limited ("Magnet") and European Access Providers Limited ("EAPL") is being submitted CVC's notification that it is affiliated with Irish carriers Magnet Networks
- neither Magnet nor EAPL holds 50 percent or more in the international transport and the local access markets in Ireland. CVC is entitled to retain non-dominant status on the U.S.-Ireland route because
- route where the foreign carrier possesses market power on the foreign end of the route. concessions directly or indirectly from any foreign carrier with respect to any U.S. international CVC has not agreed to and will not in the future agree to accept special

James P. Prenetta, Jr.

General Counsel

Date: October 28, 2005