

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

- 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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FCG/Mellon AUG 24 1998

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August 24, 1998

VIA OVERNIGHT MAIL

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

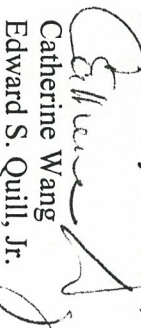
Re: Application of Pacific Rim Network Services, LLC for Section 214
International Global Facilities-Based Authority and Global Resale
Authority _____

Dear Ms. Salas:

Enclosed for filing with the Commission are an original and six (6) copies of the application of Pacific Rim Network Services, LLC ("PRNS") for authority pursuant to Section 214 of the Communications Act. PRNS is requesting global facilities-based authority and global resale authority. PRNS respectfully requests that its application be handled on a streamlined basis.

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,


Catherine Wang
Edward S. Quill, Jr.

Counsel for
Pacific Rim Network Services, LLC

Enclosure

cc: Paul Gamberg
Michael Donahue

249159.1

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

In the Matter of

PACIFIC RIM NETWORK SERVICES LLC

File No. ITC-98-_____

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

Pacific Rim Network Services, LLC ("PRNS" or "Applicant"), by its undersigned counsel, hereby requests "global" authority, under Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, 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.

I. The Proposed International Services

PRNS requests four types of authority in this Application, all of which are eligible for streamlined processing.¹ PRNS 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 interests in half-

¹ See *Streamlining the International 214 Authorization Process and Tariff Requirements*, 11 FCC Rcd 12884 (1996) (adopting streamlined 35-day processing procedures for certain international resale applications) ("*Streamlining Order*"); 47 C.F.R. § 63.12 (1998).

circuits 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 FCC's Rules, 47 C.F.R. § 63.18(e)(2), to resell the international switched services of all U.S.-authorized carriers to provide international switched services between the United States and all international points served by those carriers; (3) global authority pursuant to Section 63.18(e)(2) of the FCC's rules, 47 C.F.R. §63.18(e)(2), to resell international private lines to provide international non-interconnected private line services between the United States and all international points; and (4) authority pursuant to Section 63.18(e)(2) of the FCC's Rules, 47 C.F.R. § 63.18(e)(2), 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.^{3/} As PRNS does not seek authority to serve countries or use facilities excluded by the Exclusion List, and does not seek to serve countries in which it has a facilities-based affiliate, PRNS' Application for authority pursuant to Section 214 is eligible for streamlined processing.^{4/}

^{2/} PRNS only seeks authority to own circuits on facilities not excluded by the Exclusion List.

^{3/} The FCC will automatically amend all Section 214 authorizations to permit carriers to resell international private lines to provide international switched services between the United States and other countries as provision of such services becomes permitted by the Commission. *Streamlining Order* at ¶ 34. *See also, International Settlement Rates*, IB Docket 96-261, *Report and Order*, FCC 97-280 (rel. Aug. 18, 1997)(*Benchmarks Order*); *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*).

^{4/} *See Streamlining Order*, 47 C.F.R. § 63.12 (1998).

PRNS 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

PRNS is a limited liability company organized under the laws of the State of California.

PRNS is not affiliated, as that term is defined by Part 63 of the Commission's Rules⁵¹ with any dominant U.S. carriers whose international services PRNS will resell. PRNS 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, PRNS should be classified as a nondominant carrier for the provision of the services for which authority is requested in this Application, and PRNS' 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.⁵² The Commission also stated that "establishing an effectively competitive global communications market could result

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

⁵² *Id.* at ¶ 6.

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/}

Grant of PRNS' 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, PRNS submits the following information:

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

Pacific Rim Network Services, LLC
650 South Grand Avenue
Suite 400
Los Angeles, CA 90017
Tel: (800) 460-1088
Fax: (213) 612-0838

- (b) Applicant is incorporated under the laws of the State of California.

^{7/} *Id.*

^{8/} *Id.* at ¶ 10.

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

Catherine Wang
Edward S. Quill
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Tel: (202) 424-7500
Fax: (202) 424-7645

with a copy to:

Paul Gamberg
Five Star Telecom, Inc.
5905 Johns Road
Tampa, FL 33634
Tel: (800) 460-1088
Fax: (213) 612-0838

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

- (e) PRNS 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, PRNS 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 interests in half-circuits 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 FCC's Rules, 47 C.F.R. § 63.18(e)(2), to resell the international switched services of all U.S.-authorized carriers to provide international switched services between the United States and all international points served by those carriers; (3) global authority pursuant to Section 63.18(e)(2) of the FCC's rules, 47 C.F.R. § 63.18(e)(2), to resell international private lines to provide international non-interconnected private line services between the 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 private lines interconnected to

^{2/}

PRNS only seeks authority to own circuits on facilities not excluded by the Exclusion List.

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.

(f) PRNS seeks the authority to provide only the 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 1.1306 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) (1) PRNS is not "affiliated," either directly or indirectly, with any foreign carrier as that term is defined in the Commission's Rules.^{10/} Information regarding PRNS' 10% or greater direct or indirect shareholders is as follows:

Name: **Gene Elmore**
Address: Pacific Rim Network Services, LLC
650 South Grand Avenue
Suite 400
Los Angeles, California 90017

Percentage Held: 40%*
Citizenship: United States
Principal Business: Telecommunications

Name: **Joseph Kim**
Address: 836 Ineu-Dong
Changro, KU
Seoul, Korea
Percentage Held: 40%*
Citizenship: South Korea
Principal Business: Telecommunications

(2) PRNS has no interlocking officers or directors to report.

(i) As required by Section 63.18 (i) of the Commission's Rules, 47 C.F.R. § 63.18(i), PRNS 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

^{10/} 47 C.F.R. §63.18(h)

* The stock representing the remaining 20% ownership interest in PRNS is authorized but not issued. PRNS is reserving this stock for financing purposes.

from any foreign carrier or administration with respect to traffic or revenue flows between the U.S. and any foreign country for which PRNS may be authorized to serve.

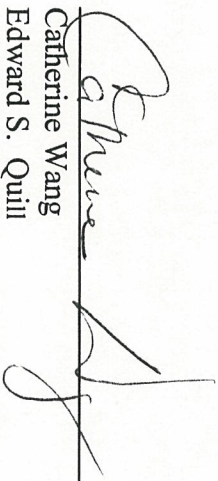
- (j) PRNS is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. PRNS's certification pursuant to Section 1.2002 of the Commission's Rules (implementing the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 3301) is attached.

CONCLUSION

For the reasons stated above, Pacific Rim Network Services, LLC respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Section 214 Application.

Respectfully submitted,

By:



Catherine Wang
Edward S. Quill
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, N. W., Suite 300
Washington, DC 20007
(202) 424-7837 (tel)
(202) 424-7645 (fax)

Counsel for Pacific Rim Network Services, LLC

Dated: August 24, 1998

CERTIFICATION OF APPLICANT

On behalf of Pacific Rim Network Services, LLC, 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 RCC 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.

Pacific Rim Network Services, LLC has not agreed to accept any concessions directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flow between the United States and various international points under the authority granted under Section 214 of the Communications Act of 1934, as amended, and the Commission's Rules, and has not agreed to enter into such agreements in the future.

Pacific Rim Network Services, LLC

By:



Name:

GENE E/MORE

Title:

President

Date:

Aug 22, 1998