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

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Cominus: (see p. 14.	Description of Application: US-Imah)	INTERNATIONAL SPECIAL PROJECT	SUBMARINE CABLE LANDING LICENSE	TRANSFER OF CONTROL	SWITCHED RESALE SERVICE	INMARSAT AND MOBILE SATELLITE SERVICE	LIMITED GLOBAL RESALE SERVICE	LIMITED GLOBAL FACILITIES-BASED SERVICE	GLOBAL RESALE SERVICE	LIMITED GLOBAL FACILITIES-BASED SERVICE/LIMITED	INTERCONNECTED PRIVATE LINE RESALE SERVICE	INDIVIDUAL FACILITIES-BASED SERVICE	GLOBAL RESALE SERVICE	GLOBAL FACILITIES-BASED/GLOBAL RESALE SERVICE	GLOBAL FACILITIES-BASED SERVICE	ASSIGNMENT OF LICENSE

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# SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

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October 1, 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: Global Facilities-Based and Resold Section 214 Authority Application of North American Communications Limited for

Dear Ms. Salas:

of North American Communications Limited for global facilities-based and resold Section 214 authority. Enclosed for filing with the Commission are an original and six (6) copies of the application

concerning this application, please do not hesitate to contact the undersigned application and return it in the enclosed self-addressed envelope. If you have any questions payable to the Federal Communications Commission. As required by the Commission's Rules, enclosed is a check in the amount of \$780.00, Please date-stamp the extra copy of this

Respectfully submitted,

Adam L. Kupetsky Edward S. Quill, Jr.

Counsel for Applicant

Enclosure

		VISA  I hereby authorize the FCC to charge my VISA or MASTERCARD  for the service(s/authorizations(s) herein described
MONTH YEAR DATE	SIGNATURE	AUTHORIZED SIGNATURE
		MASTERCARD
EXPIRATION DATE:	E	SECTION F - CREDIT ( MASTERCARDIVISA ACCOUNT NUMBER:
	n and belief. SIGNATURE_	are true and correct to the best of my knowledge, infomation and belief.
e foregoing and supporting information	Certify under penalty of perjury that the	=
17/1/23	- CERTIFICATION	SECTION
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		114 St. Stephen's Green West
	Limited	North American Communications Li
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SWIDLER BERLIN SHEREFF FRIEDMAN, LLP 3000 K STREET, N.W., SUITE 300 WASHINGTON, DC 20007

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DATE

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798 \$\$\$\$\$780,00
TWO SIGNATURES REQUIRED ABOVE \$10,000

PAY TO THE ORDER OF

FEDERAL COMMISSION

COMMUNICATION

\* North American Communications Limited is a foreign corporation organized under the laws of Ireland. Because North American Communications Limited does not currently conduct business in the United States, North American Communications Limited has not applied for or obtained a U.S. taxpayer identification number. The company understands, pursuant to this instance. discussions with the Commission's Staff, that no taxpayer identification number is required in

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

In the Matter of

NORTH AMERICAN COMMUNICATIONS

LIMITED

Application for 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 Ireland

File No. I-T-C-98-

#### APPLICATION

to provide international telecommunications services between the United States and Ireland amended, 47 U.S.C. § 214, and Section 63.18 of the Commission's Rules, 47 C.F.R. § 63.18 (1997), hereby requests "global" authority, under Section 214 of the Communications Act of 1934, as North American Telecommunications Limited (the "Applicant"), by its undersigned counsel,

### I. The Proposed International Services

circuits in U.S.-authorized facilities as well as necessary connecting facilities to provide international to  $streamlined\ processing. {}^{\underline{I}}\ Applicant\ specifically\ requests\ (1)\ global\ facilities\ -based\ authority\ pursuant\ -based\ and\ pursuant\ -based\ authority\ -based\ authority\ pursuant\ -based\ authority\ -b$ Section 63.18(e)(1) of the FCC's Rules, 47 C.F.R. § 63.18(e)(1), to acquire interests in half-Applicant requests four types of authority in this application, all of which are eligible for

procedures for certain international resale applications) ("Streamlining Order"); 47 C.F.R. § 63.12 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

provision of such services generally. Applicant certifies that it will comply with the dominant carrier switched services between the United States and Ireland once the Commission approves the for streamlined processing.4 regulations adopted in the Foreign Participation Order. Accordingly, this application is eligible interconnected to the public switched network ("PSN") at one or both ends to provide international private line services between the United States and Ireland; 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 63.18(e)(2)(A), to resell international private lines to provide international non-interconnected power on a particular route, to provide international switched services between the United States and switched services of all U.S.-authorized carriers, other than those affiliated carriers with market to Ireland; (3) global authority pursuant to Section 63.18(e)(2)(A) of the FCC's rules, 47 C.F.R.§ telecommunications services between the United States and Ireland; $^{2\prime}$  (2) global authority pursuant Section 63.18(e)(2) of the FCC's Rules, 47 C.F.R. § 63.18(e)(2), to resell the international

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

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

Participation Order"), ¶ 322 Docket No. 97-142, Report and Order, FCC 97-398 (released November 26, 1997) ("Foreign See Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, IB

See 47 C.F.R. § 63.12 (1997).

### II. The Applicant

is not affiliated, as that term is defined by Part 63 of the Commission's Rules, y with any dominant carriers identified below: the meaning of Section 63.18(h), 47 C.F.R. § 63.18(h), of the Commission's Rules, with the foreign U.S. carriers whose international services Applicant intends to resell. Applicant is affiliated, within telecommunications services in the United States. Telecom Eireann, a telecommunications corporation organized under the laws of Ireland. Applicant Applicant is organized under the laws of the Country of Ireland and currently provides no Applicant is a wholly-owned subsidiary of

Telecom Eirann plc St. Stephen's Green Dublin 2 Ireland

Applicant certifies that it will comply with the dominant carrier regulations adopted in the Foreign Participation Order. 61 Accordingly, this application is eligible for streamlined processing.

### III. Public Interest Considerations

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 Applicant's request for facilities-based and resale authority to provide international

<sup>3873 (1995) (&</sup>quot;Market Entry Order"). Market Entry and Regulation of Foreign-affiliated Entities, Report & Order, 11 FCC Rcd

International Settlement Rates, Report and Order, 12 FCC Rcd 19806 (1997) Docket No. 97-142, Report and Order, FCC 97-398 (released November 26, 1997), ¶ 322. Applicant will also comply with the conditions placed on all foreign-affiliated carriers in See Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, IB

## IV. Information Required under Section 63.18

As required by Section 63.18 of the Commission's Rules, Applicant submits the following

#### information:

(a) Name, address and phone number of applicant:

North American Communications Limited 114 St. Stephen's Green West Dublin 2 Ireland 011-35-01-701-5610 (tel)

- **6** Applicant is a corporation organized under the laws of Ireland.
- <u></u> Correspondence concerning this application should be sent to:

Adam L. Kupetsky, Esq.
Edward S. Quill, Jr., Esq.
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7809 (tel)
(202) 424-6745 (fax)

with a copy to:

Francis Hackett
Secretary
Solicitor's Office
52 Harcourt Street
Dublin 2
Ireland
011 353 1 701 5054

- (d) United States and Ireland. reseller with global authority, subject to Section 214 of the Communications Act of this application, Applicant will become an authorized facilities-based carrier and Applicant has not previously received authority under Section 214. Upon grant of 1934, as amended, and the Commission's Rules to provide service between the
- **e** pursuant to the terms and conditions of Section 63.18(e)(1) and to operate as a resale Applicant requests Section 214 authority to operate as a facilities-based carrier

States and Ireland generally. private lines to provide international switched services between the United States and authorized common carriers, except affiliated carriers regulated as dominant on the and Ireland; (2) obtain global authority to resell the international services of all utilize necessary connecting facilities, other than facilities excluded by the Exclusion submarine cables, establish channels of communication with satellite systems, and Ireland once the FCC permits the provision of such services between the United United States and Ireland; and (4) obtain global authority to resell international international private lines to provide international private line services between the United States and Ireland; (3) obtain global authority to resell non-interconnected route to be served, to provide international telecommunications services between the List, to provide international telecommunications services between the United States Applicant seeks to (1) obtain global authority to acquire capacity in half-circuits in carrier pursuant to the terms and conditions of Section 63.18(e)(2). Specifically,

- $\oplus$ Section 63.18 of the Commission's Rules. Applicant seeks authority to provide only services referenced under paragraph (e) of
- 9 purposes of this application and is therefore not attached 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 The authority requested in this application is categorically excluded from
- E C.F.R. § 63.18(h), Applicant is affiliated with the following foreign carriers: based services it proposes to resell. Under Section 63.18(h) of the FCC's Rules, 47 Applicant certifies that it is not affiliated with any U.S. carriers whose facilities-

Telecom Eireann plc
St. Stephen's Green West
Dublin 2
Ireland
Telephone Number: 011-35-01-701-5610

ownership or management interest in the Applicant The following entities hold a ten percent (10%) or greater direct or indirect

Name: Telecom Eireann plc

Address: St. Stephen's Green West

Dublin 2

Telephone Number: 011-35-01-701-5610 Ireland

Percentage Held: Citizenship: Ireland 100%

Principal Business: Telecommunications

interest in Telecom Eireann plc: The following entities hold a ten percent (10%) or greater ownership or management

Name: The Republic of Ireland

Percentage Held: 80%

2

Principal Business: Citizenship: Government Ireland

Name: Address: 1 Earlsfort Centre Comsource NV

Hatch Street

Dublin 2

Ireland

20%

Percentage Held: Citizenship: Netherlands

Principal Business: Investment

interest in Comsource NV: The following entities hold a ten percent (10%) or greater ownership or management

Name: KPN Telecom BV

Address: P.O. Box 30150/AB 6th Floor

2500 GD The Hague

The Netherlands

Percentage Held: 12%

Citizenship: Netherlands

Principal Business: Telecommunications

interest in KPN Telecom BV: The following entities hold a ten percent (10%) or greater ownership or management

Name: KPN NV

Address: P.O. Box 15000 9700 CD Groningen

The Netherlands

Percentage Held: 100%

Citizenship: Netherlands

Principal Business: Holding Company

interest in **KPN NV**: The following entities hold a ten percent (10%) or greater ownership or management

Name: The State of The Netherlands

Percentage Held: 4

Citizenship: The Netherlands

Principal Business: Government

the dominant carrier regulations adopted in the Foreign Participation Order. I greater than 50% market share in Ireland, Applicant certifies that it will comply with Applicant has no interlocking directors to report. Although Telecom Eireann has Accordingly, this application is eligible for streamlined processing.

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

<sup>17</sup> Docket No. 97-142, Report and Order, FCC 97-398 (released November 26, 1997), ¶ 322. See Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, IB

#### CONCLUSION

application. that the public interest, convenience and necessity would be furthered by a grant of this Section 214 For the reasons stated above, North American Communications Limited respectfully submits

Respectfully submitted,

### NORTH AMERICAN COMMUNICATIONS LIMITED

By: Adam L. Kupetsky, Esq.

Edward S. Quill, Jr., Esq.

Swidler Berlin Shereff Friedman, LLP 3000 K Street, N.W., Suite 300

Washington, D.C. 20007

Phone: (202) 424-7806

Facsimile: (202) 424-7645

Its Counsel

Dated: October 1, 1998

### CERTIFICATION OF APPLICANT

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

on any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. Market. indirectly, from any foreign carrier or administration with respect to traffic or revenue flows the future any special concessions, as defined by the Commission's Rules, directly or North American Communications Limited has not agreed to accept nor shall it accept in

Signed for and on behalf of North American Communications Limited:

By: Rugan Collins
Liam Collins
Director