

Categories of Services for 214 Applications  
(Streamlined/Non-streamlined)

- 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:

*US - Ireland,*

*Dominant, (see p. 1+2)*

*KBT*



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

Dear Ms. Salas:

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

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

Respectfully submitted,



Adam L. Kupetsky  
Edward S. Quill, Jr.

Counsel for Applicant

Enclosure



SWIDLER BERLIN SHEREFF FRIEDMAN, LLP  
WASHINGTON, DC 20007

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101566

09/30/98

09/30/98 ST093098-2 PI

\$780.00

\$780.00

**SWIDLER BERLIN SHEREFF FRIEDMAN, LLP**  
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WASHINGTON, DC 20007



FIRST UNION NATIONAL BANK

15-122540

NO. 101566

\*\*\*EXACTLY\*\*\*\*\*780\*DOLLARS AND\*00\*CENTS

DATE

AMOUNT

09/30/98

GENERAL ACCOUNT  
\$\$\$780.00

TWO SIGNATURES REQUIRED ABOVE \$10,000

PAY  
TO THE  
ORDER  
OF  
FEDERAL COMMUNICATION  
COMMISSION

⑈ 101566 ⑈ ⑆0540012201:2030000061363⑈



\* 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 discussions with the Commission's Staff, that no taxpayer identification number is required in this instance.



telecommunications services between the United States and Ireland;<sup>2/</sup> (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, other than those affiliated carriers with market power on a particular route, to provide international switched services between the United States and Ireland; (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 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 interconnected to the public switched network ("PSN") at one or both ends to provide international switched services between the United States and Ireland once the Commission approves the provision of such services generally. Applicant certifies that it will comply with the dominant carrier regulations adopted in the *Foreign Participation Order*.<sup>3/</sup> Accordingly, this application is eligible for streamlined processing.<sup>4/</sup>

Applicant believes that the added competition its entry will bring to the market will benefit the consumers of United States-Ireland 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.

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<sup>2/</sup> Applicant seeks only authority to own circuits on facilities not excluded by the Exclusion List.

<sup>3/</sup> See *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, IB Docket No. 97-142, Report and Order*, FCC 97-398 (released November 26, 1997) ("*Foreign Participation Order*"), ¶ 322.

<sup>4/</sup> See 47 C.F.R. § 63.12 (1997).



## II. The Applicant

Applicant is organized under the laws of the Country of Ireland and currently provides no telecommunications services in the United States. Applicant is a wholly-owned subsidiary of Telecom Eirteamm, a telecommunications corporation organized under the laws of Ireland. Applicant is not affiliated, as that term is defined by Part 63 of the Commission's Rules,<sup>5/</sup> with any dominant U.S. carriers whose international services Applicant intends to resell. Applicant is affiliated, within the meaning of Section 63.18(h), 47 C.F.R. § 63.18(h), of the Commission's Rules, with the foreign carriers identified below:

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*.<sup>6/</sup> Accordingly, this application is eligible for streamlined processing.

## III. Public Interest Considerations

Grant of Applicant'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.

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<sup>5/</sup> *Market Entry and Regulation of Foreign-affiliated Entities, Report & Order*, 11 FCC Rcd 3873 (1995) ("*Market Entry Order*").

<sup>6/</sup> *See Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, IB 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 *International Settlement Rates, Report and Order*, 12 FCC Rcd 19806 (1997)



**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)
  - (b) Applicant is a corporation organized under the laws of Ireland.
  - (c) 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:
- (d) Francis Hackett  
Secretary  
Solicitor's Office  
52 Harcourt Street  
Dublin 2  
Ireland  
011 353 1 701 5054
  - (e) Applicant has not previously received authority under Section 214. Upon grant of this application, Applicant will become an authorized 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 to provide service between the United States and Ireland.
  - (e) Applicant 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, Applicant seeks to (1) obtain global authority to acquire capacity in half-circuits in submarine cables, establish channels of communication with satellite systems, and utilize necessary connecting facilities, other than facilities excluded by the Exclusion List, to provide international telecommunications services between the United States and Ireland; (2) obtain global authority to resell the international services of all authorized common carriers, except affiliated carriers regulated as dominant on the route to be served, to provide international telecommunications services between the United States and Ireland; (3) obtain global authority to resell non-interconnected international private lines to provide international private line services between the United States and Ireland; and (4) obtain global authority to resell international private lines to provide international switched services between the United States and Ireland once the FCC permits the provision of such services between the United States and Ireland generally.

(f) Applicant 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) Applicant certifies that it is not affiliated with any U.S. carriers whose facilities-based services it proposes to resell. Under Section 63.18(h) of the FCC's Rules, 47 C.F.R. § 63.18(h), Applicant is affiliated with the following foreign carriers:

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

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



Name: Telecom Eireann plc  
Address: St. Stephen's Green West  
Dublin 2  
Ireland  
Telephone Number: 011-35-01-701-5610  
Percentage Held: 100%  
Citizenship: Ireland  
Principal Business: Telecommunications

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

Name: The Republic of Ireland  
Percentage Held: 80%  
Citizenship: Ireland  
Principal Business: Government

Name: Comsource NV  
Address: 1 Earlsfort Centre  
Hatch Street  
Dublin 2  
Ireland  
Percentage Held: 20%  
Citizenship: Netherlands  
Principal Business: Investment

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

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

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

Name: KPN NV  
Address: P.O. Box 15000  
9700 CD Groningen  
The Netherlands  
Percentage Held: 100%  
Citizenship: Netherlands  
Principal Business: Holding Company

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

|                     |                              |
|---------------------|------------------------------|
| Name:               | The State of The Netherlands |
| Percentage Held:    | 45%                          |
| Citizenship:        | The Netherlands              |
| Principal Business: | Government                   |

Applicant has no interlocking directors to report. Although Telecom Eireann has greater than 50% market share in Ireland, Applicant certifies that it will comply with the dominant carrier regulations adopted in the *Foreign Participation Order*.<sup>21</sup> Accordingly, this application is eligible for streamlined processing.

- (i) As required by Section 63.18 (i) of the Commission's Rules, 47 C.F.R. § 63.18(i), Applicant certifies that, except as permitted by FCC rules, 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 or administration with respect to traffic or revenue flows between the U.S. and any foreign country for which Applicant may be authorized to serve.

- (j) Applicant is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. Applicant'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.

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<sup>21</sup> See *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, IB Docket No. 97-142, Report and Order, FCC 97-398* (released November 26, 1997), ¶ 322.



**CONCLUSION**

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

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

On behalf of North American Communications Limited, 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.

North American Communications Limited 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 or administration with respect to traffic or revenue flows 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.

Signed for and on behalf of North American  
Communications Limited:

By: Liam Collins

Liam Collins  
Director

Date: 30/9/98