

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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**HARBOR CONSULTING GROUP INC.**

REGULATORY CONSULTANTS

4312 92ND AVENUE NORTHWEST  
GIG HARBOR WASHINGTON 98335

Mark Nyhus

TELEPHONE: 253.265.3910  
FACSIMILE: 253.265.3912  
E-Mail: [hcg@hwhink.com](mailto:hcg@hwhink.com)VIA OVERNIGHT DELIVERY

1 October 1998

Mr. William F. Caton, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554RE: MKY Telecommunications USA, Inc. - Application for Section 214  
Authority

Dear Mr. Caton:

Enclosed are an original and five (5) copies of MKY Telecommunications USA, Inc.'s Application for Section 214 Authority, filed pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214 and § 63.01 *et seq.*, of the Rules of the Federal Communications Commission.

A check made payable to the Federal Communications Commission in the amount of \$780.00 to cover the filing fee, an FCC Remittance Advice Form 159 and the original of this letter have been delivered via overnight delivery to the Federal Communications Commission c/o the Mellon Bank, Three Mellon Bank Center, 525 William Penn Way, 27th Floor, Room 153-2713, Pittsburgh, Pennsylvania 15259-0001, Attention: Wholesale Lockbox Shift Supervisor.

Please acknowledge receipt of this filing by file-stamping the additional copy of the first page of the application and returning it in the self addressed stamped envelope provided for the purpose. Questions concerning this application may be directed to me.

Sincerely,

for Harbor Consulting Group Inc.

  
Mark Nyhus

Enclosures

cc: Chief, International Facilities Division  
Mr. Craig Lin

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

In the Matter of

MKY Telecommunications USA, Inc.

Application Pursuant to Section 214 of the

Communications Act of 1934, as amended, for

Global Authority to Acquire and Operate

Facilities of Authorized U.S. Carriers and to

Resell Switched and Private Line Services of

Authorized U.S. Carriers for the Provision of

International Service to all Permissible

International Points

) File No. \_\_\_\_\_

APPLICATION FOR SECTION 214 CERTIFICATION

MKY Telecommunications USA, Inc. ("Applicant" or "MKY Telecommunications") hereby requests authority, pursuant to Section 214 of the Communications Act of 1934, as amended, ("the Act"), 47 U.S.C. § 214 and § 63.18 *et seq.* of the rules and regulations of the Federal Communications Commission ("Commission"), to acquire and operate facilities of all U.S. common carriers and non-common carriers previously and subsequently authorized by the Commission, including any necessary foreign connecting facilities, for the purpose of providing telecommunications services between the United States and all foreign points permitted by the Commission. Applicant further requests authority to resell the international switched services and private-line services of authorized U.S. common carriers for the provision of international service to all permissible international points deemed by the Commission to afford equivalent resale opportunities to U.S. carriers. Applicant will operate the facilities it acquires and resells only in accordance with the Commission's rules and regulations applicable thereto, particularly §§ 63.18(e)(1) and (2).

Pursuant to § 63.18 of the Commission's rules, 47 C.F.R. § 63.18, Applicant submits the following information in support of its Application for authority:

1. § 63.18(a). The name, address, telephone number and facsimile number of the Applicant are:  
  
MKY Telecommunications USA, Inc.  
7700 Edgewater Drive, Suite 552  
Oakland, California 94621

Telephone: 510.635.2500  
Facsimile: 510.635.2601

2. § 63.18(b). The Applicant was incorporated under the laws of the State of ~~California~~ on July 8, 1998.

3. § 63.18(c). Correspondence concerning this Application should be addressed to:

Mr. Mark Nyhus  
c/o Harbor Consulting Group Inc.  
4312 92nd Avenue Northwest  
Gig Harbor, Washington 98335

Telephone: 253.265.3910  
Facsimile: 253.265.3912

and

Mr. Craig Lin  
MKY Telecommunications USA, Inc.  
7700 Edgewater Drive, Suite 552  
Oakland, California 94621

Telephone: 510.635.2500  
Facsimile: 510.635.2601

4. § 63.18(d). The Applicant has not previously received authority under Section 214 of the Act.

5. § 63.18(e)(1) through (5). Applicant requests authority to operate as a facilities-based international carrier, pursuant to Section 214 of the Act and the Commission's Foreign Carrier Entry Order<sup>1</sup>. The Applicant would acquire and operate international facilities for the provision of international switched service to those countries found by the Commission to provide equivalent resale opportunities. It will operate those facilities in accordance with the terms and conditions of §§ 63.18(e)(1) and 63.21 of the rules, as well as any other applicable rules and regulations of the Commission.

Applicant further requests authority pursuant to Section 214 of the Act to resell the international switched and private line services of authorized U.S. common carriers for the provision of international switched and basic private line services to all permissible international points deemed by the Commission to afford equivalent resale opportunities to U.S. carriers.

6. § 63.18(f). This Application is subject to the Commission's streamlined processing rules. The Applicant is a non-dominant carrier which qualifies for non-dominant regulation pursuant to § 63.12, 47 C.F.R. § 63.12, as it is not affiliated with a foreign carrier within the meaning of § 63.18(h)(1)(i) in a destination market for its facilities-based or resold services as set forth below.

7. § 63.18(g). Not applicable.

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<sup>1</sup> In the Matter of Market Entry and Regulation of Foreign-Affiliated Entities ("Report and Order"), IB Docket No. 95-22, FCC 95-475, 11 FCC Rcd. 3873 (1995).

8. § 63.18(h)(1) and (3). By its executed certification attached hereto, Applicant hereby certifies that: it has no affiliation with foreign carriers, as defined in §§ 63.18(h)(1)(i) and (ii) of the Commission's Rules.

9. § 63.18(h)(2). Applicant's ownership is as follows:

Name: Mr. Kuo-Ching Ko

Address: 7700 Edgewater Drive, Suite 552  
Oakland, California 94621

Ownership: 32.05 percent

(a citizen of the Republic of China)

Name: Mr. Chun-Hsu Chen

Address: 7700 Edgewater Drive, Suite 552  
Oakland, California 94621

Ownership: 26.05 percent

(a citizen of the Republic of China)

Name: Mr. Shu-Yuan Huang

Address: 7700 Edgewater Drive, Suite 552  
Oakland, California 94621

Ownership: 12.82 percent

(a citizen of the Republic of China)

Name: Mr. David Wang

Address: 7700 Edgewater Drive, Suite 552  
Oakland, California 94621

Ownership: 6.00 percent

(a citizen of the Republic of China)

Name: Mr. Shyh-Hu Kow

Address: 7700 Edgewater Drive, Suite 552  
Oakland, California 94621

Ownership: 5.13 percent

(a citizen of the Republic of China)

Name: Mr. Shen-Chang Lin

Address: 7700 Edgewater Drive, Suite 552  
Oakland, California 94621

Ownership: 5.00 percent

(a citizen of the Republic of China)

Name: Mr. Kai-Shi Lee

Address: 7700 Edgewater Drive, Suite 552  
Oakland, California 94621

Ownership: 3.85 percent

(a citizen of the Republic of China)

Name: Mr. Shaw-Tong Chiang

Address: 7700 Edgewater Drive, Suite 552  
Oakland, California 94621

Ownership: 2.56 percent

(a citizen of the Republic of China)

10. § 63.18(i). Applicant further certifies that it has not accepted, nor will it agree to accept, special concessions directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows between the U.S. and any foreign country which Applicant may serve under the authority granted pursuant to this Application.
11. § 63.18(i). Pursuant to 47 C.F.R. §§ 1.2001 through 1.2003, by certification attached hereto, Applicant certifies that no party to the Application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act on 1988, 21 U.S.C. § 853a.
12. Applicant will comply with the accuracy requirements of this section if authorized to provide international communications service.
13. As demonstrated herein, Applicant is legally and technically qualified to provide the services for which it requests authority. For the reasons stated above, Applicant submits that the public interest, convenience and necessity would be furthered by a grant of this Section 214 Application.



WHEREFORE, MKY Telecommunications USA, Inc. respectfully requests that the Commission issue the requested Section 214 authorization for the purpose of providing global facilities-based telecommunications services and resold international switched and private-line services of authorized U.S. common carriers for the provision of international service to all permissible international points deemed by the Commission to afford equivalent resale opportunities to U.S. carriers.

Respectfully submitted, this 21 day of September, 1998.

MKY Telecommunications USA, Inc.

By:

  
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Craig Lin

Vice President of Operations  
7700 Edgewater Drive, Suite 552  
Oakland, California 94621

Telephone: 510.635.2500  
Facsimile: 510.635.2601

Harbor Consulting Group Inc.  
4312 92nd Avenue Northwest  
Gig Harbor, Washington 98335

Telephone: 253.265.3910  
Facsimile: 253.265.3912

Applicant's Regulatory Consultants

CERTIFICATION OF APPLICANT

I hereby certify that the statements in the foregoing Application for Section 214 authority are true, complete and correct to the best of my knowledge, information and belief and are made in good faith. I hereby certify that MKY Telecommunications USA, Inc. ("MKY Telecommunications") is not affiliated with any foreign carrier and is not affiliated with any facilities-based carrier whose services MKY Telecommunications intends to resell. I hereby certify that MKY Telecommunications will not accept special concessions directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows between the U.S. and any foreign country which MKY Telecommunications may serve under the authority granted under this part. I also hereby certify that no party to the foregoing Application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act on 1988, 21 U.S.C. § 853a.

Dated this 30<sup>th</sup> day of September, 1998.

MKY Telecommunications USA, Inc.

By:

  
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Craig Lin

Vice President of Operations  
7700 Edgewater Drive, Suite 552  
Oakland, California 94621

Subscribed and sworn to before me this 30<sup>th</sup> day of September, 1998.



Notary Public in and for the State of California

