

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:

(e) (6)

Le Courches

EPB

KELLEY DRYE & WARREN LLP

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October 5, 1998

Federal Communications Commission
International Bureau
Telecommunications Division
P. O. Box 358115
Pittsburgh, PA 15251-5115

Attn: Diane J. Cornell, Chief

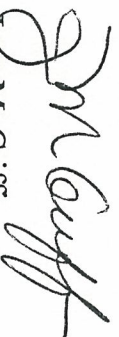
Re: Application of Singapore Telecom USA, Inc. for Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended, to Operate as a Facilities-Based Carrier and as a Resale Carrier for the Provision of International Switched and Private Line Services to Australia, Thailand, Sri Lanka, Hong Kong, the United Kingdom, and the Philippines

Dear Sir or Madam:

Singapore Telecom USA, Inc., by its attorneys, hereby submits for filing an original and five (5) copies of its above-captioned application. Enclosed is a duplicate of this filing and a return envelope. Please date-stamp the duplicate upon receipt and return it in the envelope provided. Also enclosed is a check in the amount of \$780.00 for the filing fee.

Please do not hesitate to call me at the above-referenced number if you should have any questions regarding this matter.

Sincerely,



Joan M. Griffin
Senior Counsel

Enclosures

SingTel USA requests that the Commission classify SingTel USA as a nondominant carrier in its provision of service to the Destination Countries and that it process this Application in accordance with its streamlined processing procedures. While SingTel USA is affiliated with foreign carriers in each of the Destination Countries, none of these carriers have sufficient market power on the foreign end of the route to adversely affect competition in the U.S. market. Indeed, none of these carriers have 50 percent market share in the international transport and local access markets on the foreign end of the route. Furthermore, SingTel USA is not affiliated with any dominant U.S. carrier whose services SingTel USA plans to resell. Thus, pursuant to Section 63.10(a) of the Commission's Rules, SingTel USA should be classified as a nondominant carrier in its provision of international service to the Destination Countries, and this Application is entitled to streamlined processing under Section 63.12 of the Commission's Rules.

Pursuant to Section 63.18 of the Commission's Rules, SingTel USA sets forth the following information in support of this Application:

- (a) The name, address, and telephone number of the Applicant is:
- Singapore Telecom USA, Inc.
777 South Figueroa Street
27th Floor
Los Angeles, CA 90017

(b) SingTel USA is a corporation organized under the laws of the State of California.

(c) Correspondence concerning this Application should be sent to:

Jung Hui Tan
Singapore Telecom USA, Inc.
320 Post Road West, Suite 100
Westport, CT 06880
(203) 454-6814

with copies to:

Robert J. Aamoith
Joan M. Griffin
Kelley Drye & Warren, LLP
1200 19th Street, NW
Washington, DC 20036
(202) 955-9600

- (d) SingTel USA has not previously received Section 214 authority from the Commission. An application for Section 214 authority to provide facilities-based and resale services pursuant to Sections 63.18(e)(1) and 63.18(e)(2) of the Commission's Rules to all countries except Singapore and the Destination Countries is being filed concurrent with the submission of this Application.
- (e) SingTel USA seeks authority, pursuant to Section 63.18(e)(6) of the Commission's Rules, to acquire interests in facilities previously authorized by the Commission in order to provide international basic switched, private line, data, television, and business services to the Destination Countries, and to resell the international services of authorized U.S. common carriers for the provision of international basic switched, private line, data, television, and business services to the Destination Countries.
- (f) No response required.
- (g) SingTel USA will use previously authorized facilities to provide its facilities-based services and thus this Application is categorically excluded from environmental assessment pursuant to Section 1.1306 of the Commission's Rules.
- (h) (1) As evidenced by the certification provided in Attachment 1, SingTel USA is affiliated with foreign carriers in the countries listed in Attachment 1.
- (2) SingTel USA is wholly-owned subsidiary of Singapore Telecommunications Limited ("SingTel"), a corporation organized under the laws of Singapore.² The principal business of SingTel is the provision of local, intercity, and international communications services in Singapore. Temasek Holdings (Private) Limited ("Temasek") holds an approximately 80 percent ownership interest in SingTel.³ Temasek is wholly-owned by the Minister for Finance (Incorporated) in Singapore; it is an investment holding company with diverse interests in a wide spectrum of industries including media, financial services, transportation, ship

² The address of SingTel is 31 Exeter Road, Comcentre, Singapore 239732.

³ The address of Temasek is 8 Shenton Way, #38-03, Temasek Tower, Singapore 068811.

repair and engineering, properties, hotels property management and consultancy, construction, leisure and recreation.⁴ No other stockholder holds 10 percent or more of the stock of SingTel. There are no interlocking directorates with any other U.S. carriers.

(3) As evidenced by the certification provided in Attachment 1, SingTel USA has no affiliation with any U.S. carrier whose facilities-based services SingTel USA may resell.

(4) No response required.

(5) SingTel USA is affiliated within the meaning of Section 63.18(h)(i)(i)(B) with foreign carriers in Sri Lanka, Hong Kong, the U.K., and Thailand. All of these countries are Members of the World Trade Organization ("WTO").

(6) See response to Item (h)(5).

(7) See response to Section 63.18(h)(8) below for a showing that satisfies Section 63.10(a)(3) of the Commission's Rules.

(8) SingTel USA requests nondominant treatment in its provision of service to each of the Destination Countries. As shown below, SingTel USA is entitled a presumption on nondominant treatment under Section 63.10(a)(3) of the Commission's Rules on each of these routes:

Australia: SingTel USA's affiliate in Australia, AAPT Limited (formerly known as AAP Telecommunications Pty Ltd) ("AAP"), provides domestic and international long distance voice and data services in that country. AAP's share of the international transport and local access market is less than 10 percent. Telestra is the dominant provider of domestic and international telecommunications services in Australia.

The Philippines: GMCR, Inc. is SingTel USA's affiliate in the Philippines. GMCR provides international and fixed line telecommunications services as well as cellular mobile telephone services in the Philippines; its market share of the international transport and local access markets is less than 10 percent. The dominant provider of telecommunications services in the Philippines is Philippines Long Distance Telephone Company.

⁴ To the best of SingTel USA's knowledge and belief, Temasek holds ownership interests in other telecommunications companies in Singapore which are competitors of SingTel and which hold certain licenses to provide mobile cellular telephone and radio paging services in Singapore. However, SingTel is uncertain as to whether Temasek holds ownership interests in telecommunications companies in other countries.

Sri Lanka: In Sri Lanka, SingTel USA's affiliate is Lanka Communications Services (Private) Limited ("Lankacom"), a provider of data communications services (including private line and VSAT services). Lankacom's share the relevant market is approximately 5 percent. Sri Lanka Telecom is the dominant provider of telecommunications services in Sri Lanka.

Thailand: Shinawatra Datacom Company Limited ("Shinawatra"), SingTel USA's affiliate in Thailand, provides data communications services such as private line services and frame relay. The market share of Shinawatra is approximately 10 percent. The dominant providers of telecommunications services in Thailand are the Telecommunications Organization of Thailand ("TOT") and the Communications Authority of Thailand ("CAT").

Hong Kong: In Hong Kong, SingTel USA's affiliate is Singapore Telecom Hong Kong Limited ("SingTel HK"). SingTel HK holds Public Non-Exclusive Telecommunications Services ("PNETS") Licenses to provide international value-added network services and virtual private network services. All services are provided on a resale basis, because Hong Kong Telecom is the only carrier currently authorized to provide international facilities in Hong Kong. SingTel HK estimates that its share of the relevant international market is less than .0001%.

United Kingdom: In the U.K., SingTel (Europe) Limited is SingTel USA's affiliate. SingTel (Europe) Limited holds international facilities and international voice simple resale licenses in the U.K. SingTel (Europe) Limited has not yet commenced the provision of service to end user customers.

(j) As evidenced by the certification provided in Attachment 1, SingTel USA has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to 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 and will not enter into such agreements in the future.

(i) As evidenced by the certification provided in Attachment 1, no party to this Application is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

(k) SingTel USA requests streamlined processing pursuant to Section 63.12 of the Commission's Rules. This Application is eligible for streamlined processing because SingTel USA qualifies for a presumption of non-dominant treatment under Section 63.10(a)(3) of the Commission's Rules (as demonstrated by SingTel USA's response to Section 63.18(h)(8) above) in its provision of service to each of the Destination Countries. In addition, SingTel USA is not affiliated with a dominant U.S. carrier whose international services SingTel USA seeks authority to resell. Finally, SingTel USA does not request authority in this Application to provide switched services over private lines to countries not previously authorized for this service.

For these reasons, SingTel USA requests that the Commission grant this Application.

Respectfully Submitted,

SINGAPORE TELECOM USA, INC.

By:



Robert J. Aamoath⁵

Joan M. Griffin

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Suite 500

Washington, D.C. 20036

(202) 955-9600

Its Attorneys

Date: 9/23/98

⁵ Pursuant to Section 1.743(b) of the Commission's Rules, this Application is signed by SingTel USA's counsel on its behalf as all SingTel USA representatives that are authorized to sign the Application are absent from the U.S.

ATTACHMENT 1


CERTIFICATE

The undersigned hereby certifies, on behalf of Singapore Telecom USA, Inc.

("SingTel USA ") with respect to the foregoing application for authority to provide international service, that:

1. SingTel USA is not affiliated (as that term is defined in Section 63.18(h)(1) of the Commission's Rules) with any U.S. carrier whose facilities-based service SingTel USA may resell.
2. SingTel USA is affiliated with foreign carriers (as those terms are defined in Section 63.18(h)(1) of the Commission's Rules) in the countries listed in Annex A to this Certificate.
3. SingTel USA has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to 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 and will not enter into such agreements in the future.
4. No party to this application is subject to a denial for Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853(a).

By:


Robert J. Aarnoth¹

Joan M. Griffin

KELLEY DRYE & WARREN LLP
1200-19th Street, N.W., Suite 500
Washington, D.C. 20036
(202) 955-9600

Its Attorneys

Date: 9/23/98

¹ Pursuant to Section 1.743(b) of the Commission's Rules, this Application is signed by SingTel USA's counsel on its behalf as all SingTel USA representatives that are authorized to sign the Application are absent from the U.S.

ANNEX A

COUNTRIES IN WHICH SINGAPORE TELECOM USA
HAS A FOREIGN AFFILIATE

Singapore
Thailand
Sri Lanka
Philippines
Australia
The United Kingdom
Hong Kong