

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: _____

FRS

FEDERAL COMMUNICATIONS COMMISSION

REMITTANCE ADVICE

SPECIAL USE

FCC USE ONLY

(1) LOCKBOX # 358115

FCC/MAILING PAGE NO. 1 OF 1 GCT 08 1999

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)
Mark R. Holofcener/Nancy E. Holofcener

(3) TOTAL AMOUNT PAID (dollars and cents)
\$ 780.00

(4) STREET ADDRESS LINE NO. 1

c/o Swidler Berlin Shereff Friedman, Attn: Rachel Flam, Esq.

(5) STREET ADDRESS LINE NO. 2

3000 K Street, NW, Suite 300

ITC-214-19981008-00685

(6) CITY

Washington

(7) STATE

DC

(8) ZIP CODE

20007-5116

(9) DAYTIME TELEPHONE NUMBER (include area code)

(202) 424-7500

(10) COUNTRY CODE (if not in U.S.A.)

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)

Pathfinder Telecom International, Ltd.

(12) STREET ADDRESS LINE NO. 1

4th Floor, 61-62 Berners Street

(13) STREET ADDRESS LINE NO. 2

(14) CITY

London

(15) STATE

England

(16) ZIP CODE

W1P3AE

(17) DAYTIME TELEPHONE NUMBER (include area code)

011-44-870-607-1036

(18) COUNTRY CODE (if not in U.S.A.)

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

SECTION C - PAYMENT INFORMATION

(19A) FCC CALL SIGN/OTHER ID

(20A) PAYMENT TYPE CODE (PTC)

C U T

(21A) QUANTITY

1

(22A) FEE DUE FOR (PTC) IN BLOCK 20A

\$ 780.00

FCC USE ONLY

(23A) FCC CODE 1

(20B) PAYMENT TYPE CODE (PTC)

(24A) FCC CODE 2

(19B) FCC CALL SIGN/OTHER ID

(21B) QUANTITY

(22B) FEE DUE FOR (PTC) IN BLOCK 20B

FCC USE ONLY

(23B) FCC CODE 1

(20C) PAYMENT TYPE CODE (PTC)

(24B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 20C

FCC USE ONLY

(23C) FCC CODE 1

(20D) PAYMENT TYPE CODE (PTC)

(24C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 20D

FCC USE ONLY

(23D) FCC CODE 1

(20E) PAYMENT TYPE CODE (PTC)

(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN

(25) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2

APPLICANT TIN

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT
I, Rachel Flam, Esq. Certify under penalty of perjury that the foregoing and supporting information are true and correct to the best of my knowledge, information and belief. SIGNATURE [Signature]

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28) MASTERCARD

MASTERCARD/MSA ACCOUNT NUMBER:

EXPIRATION DATE:

Grid for MASTERCARD/MSA ACCOUNT NUMBER

Grid for EXPIRATION DATE (MONTH, YEAR)

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD

AUTHORIZED SIGNATURE

DATE

(or the service(s)/authorization(s) herein described)

SEE PUBLIC BUREAU ESTIMATE ON REVERSE

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

WASHINGTON OFFICE
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE (202) 424-7647

October 8, 1998

NEW YORK OFFICE
919 THIRD AVENUE
NEW YORK, NY 10022-9998
TELEPHONE (212) 758-9500
FACSIMILE (212) 758-9526

VIA COURIER

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

Attention: Troy Tanner, Chief, Policy and Facilities Branch, International Bureau

Re: Application of Pathfinder Telecom International Ltd., for Global Authority Pursuant to Section 214 of the Communications Act of 1934, As Amended, to Operate as an International Facilities-based Carrier and as an International Resale Carrier

Dear Sir or Madam:

Enclosed for filing with the Commission are an original and six (6) copies of the application of Pathfinder Telecom International Ltd. requesting global authority to operate as an international facilities-based carrier and as an international resale carrier between the United States and various international points pursuant to Section 214 of the Communications Act of 1934, as amended.

As required by the Commission's Rules, a check in the amount of \$780.00 is enclosed. Please date-stamp the extra copy of this application and return it in the enclosed self-addressed, stamped envelope. Any questions regarding the enclosed application should be addressed to the undersigned.

Respectfully submitted,



Dana Frix
Rachel D. Flam

Counsel for Pathfinder Telecom International Ltd.

Enclosures

cc: Donald McQueen

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

In the Matter of

**PATHFINDER TELECOM
INTERNATIONAL LTD.**

File No. I-T-C-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

Pathfinder Telecom International Ltd. (“Pathfinder” 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 (1982), 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 various international points. Pursuant to Section 63.12, of the Commission’s Rules, 47 C.F.R. § 63.12 (1997), this Application is eligible for streamlined processing.

I. The Proposed International Services

Pathfinder requests four types of authority in this Application, all of which are eligible for streamlined processing.^{1/} Pathfinder 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 ownership interests 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 Commission's Rules, 47 C.F.R. § 63.18(e)(2), to resell international switched services of all unaffiliated 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

^{1/} 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 procedures for certain international resale applications) ("*Streamlining Order*"); 47 C.F.R. § 63.12 (1997); *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*").

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

international routes on which the Commission permits such services to be provided.^{3/} As Pathfinder does not seek authority to serve any country or use facilities excluded by the Exclusion List, and does not seek to serve any country in which it has an affiliate with market power, Pathfinder's Application for authority pursuant to Section 214 is eligible for streamlined processing.^{4/}

Pathfinder 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

Pathfinder is a corporation organized under the laws of England. Pathfinder's headquarters are located at 4th Floor Berners Street, London, England W1P3AE.

Pathfinder is not affiliated, as that term is defined by Part 63 of the Commission's Rules,^{5/} with any U.S. carriers whose facilities-based services Pathfinder will resell.^{6/} Pathfinder is affiliated with foreign carriers within the meaning of Section 63.18(h)(1)(i), 47 C.F.R. § 63.18(h)(1)(i), in

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

^{4/} See *Streamlining Order*; 47 C.F.R. § 63.12 (1997).

^{5/} 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*").

^{6/} Pathfinder is affiliated with the U.S. carriers Interoute Telecom Inc. and ATI Telecom, Inc.

Denmark, France, Germany, Israel, the Netherlands, Portugal, Spain, Switzerland and the United Kingdom, all of which countries are WTO member countries. Moreover, as relatively new entrants, none of Pathfinder's foreign affiliates holds significant market share in any destination country covered by this Application. Pathfinder should, therefore, be classified as a nondominant carrier for the provision of the services for which authority is requested in this Application, and Pathfinder's Application deemed 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.^{7/} The Commission also stated that "establishing an effectively competitive global communications market could result in reduced rates, increased quality, and new innovative services."^{8/} 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."^{9/}

^{7/} See *Market Entry Order* at ¶ 6.

^{8/} *Id.*

^{9/} *Id.* at ¶ 10.

Grant of Pathfinder'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.

IV. Information Required under Section 63.18

As required by Section 63.18 of the Commission's Rules, Pathfinder submits the following information:

- (a) Name, address, and telephone number of Applicant:
- Pathfinder Telecom International Ltd.
4th Floor, 61-62 Berners Street
London, England W1P3AE
011-44-870-607-1036 (Tel.)
011-44-870-607-1037 (Fax)

Pathfinder's registered agent is:

Mark R. Holofcener
162 Riverbend Drive
Groton, MA 01450
(978) 449-0270 (Tel.)
(978) 448-8998 (Fax)

- (b) Pathfinder is a corporation organized under the laws of England.
- (c) Correspondence concerning this Application should be sent to:

Dana Frix, Esq.
Rachel D. Flam, Esq.
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, D.C. 20007
(202) 424-7790 (Tel.)
(202) 424-7645 (Fax)

with a copy to:

Donald McQueen
Managing Director
Pathfinder Telecom International Ltd.
4th Floor, 61-62 Berners Street
London, England W1P3AE
011-44-870-607-1036 (Tel.)
011-44-870-607-1037 (Fax)

(d) Pathfinder has not previously received authority under Section 214 of the Act. Upon grant of this application, Pathfinder will become a nondominant carrier with authority pursuant to Section 214 of the Communications Act of 1934, as amended, and the Commission's Rules, to operate as an international facilities-based and resale carrier. Pathfinder lacks the market power that would allow it to control prices to the detriment of market competition.

(e) Pathfinder 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, Pathfinder 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 ownership interests 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;^{10/} (2) global authority pursuant to Section 63.18(e)(2) of the Commission's Rules, 47 C.F.R. § 63.18(e)(2), to resell international switched services of all unaffiliated 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 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.^{11/}

^{10/} Pathfinder only seeks authority to own circuits on facilities not excluded by the Exclusion List.

^{11/} See *Streamlining Order* ¶ 17. The *Foreign Participation Order* eliminates the equivalent (continued...)

(f) Pathfinder 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) Pathfinder certifies that it is not affiliated with any U.S. carriers whose facilities-based services it proposes to resell.^{12/} Pathfinder is affiliated with entities that are foreign carriers under Section 63.18(h)(1)(i) of the Commission's Rules, 47 C.F.R. § 63.18(h)(1)(i), in the following countries:

- Denmark: Interoute Danmark AS
- France: Interoute Communications France SARL
- Germany: Interoute Telecom Deutschland GmbH
- Israel: Shalom Telecom
- Netherlands: Interoute Netherlands BV
- Portugal: Geolink SA
- Spain: Viacom
- Switzerland: Interoute SA
- United Kingdom: Pathfinder Telecom Ltd.
- United Kingdom: Interoute Telecommunication PLC

All of Pathfinder's foreign affiliates are from WTO member countries. Moreover, as relatively new entrants, none holds significant market share in any destination country covered by this Application.

^{11/}(...continued)

resale opportunities test for World Trade Organization ("WTO") member country routes. *Foreign Participation in the U.S. Telecommunications Market*, IB Docket No. 96-111, Report and Order, FCC 97-298 (rel. Nov. 26, 1997) ("*Foreign Participation Order*"). Pursuant to the *Streamlining Order*, the FCC has stated it will automatically amend all Section 214 authorizations to resell international private lines and to provide international switched services between the United States and countries that afford U.S. carriers equivalent resale opportunities to add all countries found to meet the equivalent resale opportunities standard. *Streamlining Order* ¶ 34.

^{12/} 47 C.F.R. §63.18(n). Pathfinder is affiliated with the U.S. carriers Interoute Telecom Inc. and ATI Telecom, Inc.

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

Name: Sean Murray
Address 11 Partridge Green
New Milton, BH25 5RS
United Kingdom
Telephone: 011-44-1425-622010
Citizenship: United Kingdom
Principal Business: Telecommunications

Name: Pathfinder Telecom Holdings Limited
Address Stanley House, Lord Street
Douglas, Isle of Man IM1 2BF
Telephone: 44-1624-614984
Citizenship: Isle of Man
Principal Business: Investment

The following entities hold a ten percent (10%) or greater, direct or indirect, ownership interest in **Pathfinder Telecom Holdings Limited**:

Name: Interoute Communications Group Limited
Address Kings House, The Grange
St Peter Port, Guernsey GY1 2QJ
Telephone: 44-1481-724016
Citizenship: Bahamas
Principal Business: Investment

Name: Pathfinder Investments Limited
Address Stanley House, Lord Street
Douglas Isle of Man IM1 2BF
Telephone: 011-44-1624-614984
Citizenship: Isle of Man
Principal Business: Investment

The following entities hold a ten percent (10%) or greater, direct or indirect, ownership interest in **Interoute Communications Group Limited**:

Name: Sandoz Family Foundation
Address c/o Sitco (Suisse) SA
19 Rue de la Croix

✓
Telephone: Geneva, Switzerland
Citizenship: None
Principal Business: Switzerland
Investment

The following entities hold a ten percent (10%) or greater, direct or indirect, ownership interest in **Pathfinder Investments Limited**:

Name: Verite Trust Company Limited
Address: P.O. Box 36
Wellington House, Union Street
St. Helier, Jersey
Telephone: ✓ 44-1534-26665
Citizenship: ✓ Jersey
Principal Business: Investment

Name: Simon Adams
Address: 86 Palmerston Crescent
London N13 4NH UK
Telephone: ✓ 44-181-881-5654
Citizenship: ✓ United Kingdom
Principal Business: Telecommunications

Name: Stichting Hora Feliz
Address: Jan Sofat 127
Curacao, Netherlands Antilles
Telephone: ✓ 599-9-7672190
Citizenship: ✓ Netherlands Antilles
Principal Business: Investment

Pathfinder has no interlocking directorates to report.

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

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

- (k) Pathfinder requests streamlined processing of this application. Pathfinder is not affiliated with any U.S. carriers whose facilities-based services it proposes to resell; nor is Pathfinder affiliated with any foreign carriers with market power. Pathfinder's application, therefore, qualifies for streamlined processing.

CONCLUSION

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

Respectfully submitted,

PATHFINDER TELECOM INTERNATIONAL LTD.

By: 

Dana Frix

Rachel D. Flann

Swidler Berlin Shereff Friedman, LLP

3000 K Street, NW, Suite 300

Washington, D.C. 20007

(202) 424-7790 (Tel.)

(202) 424-7645 (Fax)

Counsel for Pathfinder Telecom International Ltd.

Dated: October 8, 1998

CERTIFICATION OF APPLICANT

On behalf of Pathfinder Telecom International Ltd. ("Pathfinder" or "Applicant"), 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.

Pathfinder 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.

Pathfinder Telecom International Ltd.

(Company

Name)

By:



Name: DONALD C. McQUEEN

Title: MANAGING DIRECTOR

Date: 20th SEPTEMBER 1998