

**Categories of Services for 214 Applications
(Streamlined/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: _____

FBI

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB 3060-0589

REMITTANCE ADVICE

PAGE NO. 1 OF 1
FCC/MELLOW OCT 26 1998

SPECIAL USE

FCC USE ONLY

(1) LOCKBOX #

SECTION A - PAYER INFORMATION

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

11J America, Inc.

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

(4) STREET ADDRESS LINE NO. 1
399 Park Avenue, 23rd Floor

ITC-214-19981026-00732

(5) STREET ADDRESS LINE NO. 2

(6) CITY
New York

(7) STATE
New York

(8) ZIP CODE
10022

(9) DAYTIME TELEPHONE NUMBER (include area code)
212-350-1300

(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)

(12) STREET ADDRESS LINE NO. 1

(13) STREET ADDRESS LINE NO. 2

(14) CITY

(15) STATE

(16) ZIP CODE

(17) DAYTIME TELEPHONE NUMBER (include area code)

(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
C U T
(20A) PAYMENT TYPE CODE (PTC)
(21A) QUANTITY
1
(22A) FEE DUE FOR (PTC) IN BLOCK 20A
\$ 780.00
(24A) FCC CODE 2

(19B) FCC CALL SIGN/OTHER ID
(20B) PAYMENT TYPE CODE (PTC)
(21B) QUANTITY
(22B) FEE DUE FOR (PTC) IN BLOCK 20B
\$
(24B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID
(20C) PAYMENT TYPE CODE (PTC)
(21C) QUANTITY
(22C) FEE DUE FOR (PTC) IN BLOCK 20C
\$
(24C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID
(20D) PAYMENT TYPE CODE (PTC)
(21D) QUANTITY
(22D) FEE DUE FOR (PTC) IN BLOCK 20D
\$
(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN
0 7 7 0 4 2 7 3 5 2
(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2
APPLICANT TIN 0

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT
I, Eric Fishman (PRINT NAME), 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 *Eric Fishman*

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28) MASTERCARD/VISA ACCOUNT NUMBER:

MASTERCARD

EXPIRATION DATE:

MONTH YEAR

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)

Law Offices

HOLLAND & KNIGHT LLP

2100 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20037-3202
202-955-3000
FAX 202-955-5564
<http://www.hklaw.com>

Atlanta	New York
Boca Raton	Northern Virginia
Fort Lauderdale	Orlando
Jacksonville	San Francisco
Lakeland	St. Petersburg
Melbourne	Tallahassee
Mexico City	Tampa
Miami	West Palm Beach

October 26, 1998

ERIC FISHMAN
202-828-1849

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

Re: IJ America, Inc.
Application for Authority, under Section 214 of the
Communications Act of 1934, as amended, to Provide
International Telecommunications Services

Dear Sir/Madam:

Transmitted herewith, on behalf of IJ America, Inc., is an original and five (5) copies of its Application for Authority, under Section 214 of the Communications Act of 1934, as amended, to provide international telecommunications services. A Form 159, with applicable filing fee of \$780.00, is attached hereto.

An extra copy of the filing is enclosed. Please date-stamp the extra copy and return it to the courier for return to me.

If you have any questions, please contact the undersigned.

Very truly yours,

HOLLAND & KNIGHT LLP



Eric Fishman
Counsel for
IJ America, Inc.

Enclosure

cc (via hand delivery):

Frances G. Eisenstein, FCC International Bureau
2000 M Street N.W., Room 843
Washington, DC 20554

1204

OUR REF. NUMBER	YOUR INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
000333	102398	10/23/98	780.00	780.00	0.00	780.00

IJJ AMERICA, INC.
 399 PARK AVE., 23RD FL.
 NEW YORK, NY 10022

CITIBANK, N.A. BR. #587
 NEW YORK, NY 10043
 1-B/210

1204

CHECK DATE	CONTROL NUMBER	AMOUNT
10/23/98	001204	\$*****780.00

PAY Seven Hundred Eighty and 00/100 ----- Dollars

TO THE
 ORDER
 OF
 Federal Communications ~~Commisn~~ Commission


 AUTHORIZED SIGNATURE MP

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈001204⑈ ⑆021000089⑆ 587 95232794⑈

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re Application of)
)
)
IJ AMERICA, INC.) File No. _____
)
)

For Authority under Section 214 of the)
Communications Act of 1934, as amended,)
and Sections 63.18(e)(1) and 63.18(e)(2))
of the Commission's Rules to Operate as a)
Facilities-Based Carrier and as a Resale)
Carrier, Including Authority to Resell)
Private Lines Between the United States)
and Authorized Countries)

APPLICATION

IJJ America, Inc. ("IJJ America") hereby requests (i) authority, pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.18(e)(1) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), to acquire interests in facilities previously authorized by the Commission in order to provide international basic switched, private line, data, video and business services to all international points, and (ii) authority under Section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2), to resell the international switched and private line services of authorized U.S. common carriers for the provision of international basic switched, private line, data, video and business services to all international points, including authority to resell international private lines between the United States and Canada, the United Kingdom, New Zealand, Australia, Sweden, Austria, the Netherlands, Luxembourg, Norway, Denmark, France, Germany, Belgium, Austria, Switzerland, Japan and Italy for the provision of switched service between the United States and those countries.

IIJ America is a newly formed corporation organized under the laws of the State of California for the purpose of providing telecommunications services. The sole shareholders of IIJ America, each holding a 50% ownership interest, are Internet Initiative Japan Inc. ("IIJ Inc.") and IIJ Technology Inc. ("IIJ Technology"), both Japanese corporations. The company currently holds no telecommunications authorizations, and has no interlocking directorates or affiliations with foreign carriers.

IIJ America believes that there is significant potential for continued growth in the international voice, data and facsimile markets, and that this market expansion will be accelerated by additional competition by new entrants. This position is consistent with Commission findings that increased competition in international markets is beneficial. See, e.g., Teltec Saving Communications Co., Mimeo No. 3548 (released April 4, 1986), and cases cited therein. The Commission also found that the market will support additional carriers and that the added competition will be in the public interest. Accordingly, the Commission has authorized new entrants that propose to resell international services. Id. See also *FTC, Inc.*, 6 FCC Rcd 2237 (1991).

IIJ America proposes by this application to provide international switched and private line services from the United States to international points through its own facilities and through the resale of other carriers' services. The Commission has determined that, as a matter of policy, introduction of additional competition in the provision of international services creates incentives for carriers to offer new and

innovative services and to reduce prices, which inure to the public interest and benefit.¹ Grant of this application would serve the Commission's proposes and accord with the Commission's commitment to open entry to the U.S. telecommunications market. Moreover, many carriers provide international services in the United States, including AT&T, MCI WorldCom, Sprint and others.

By the instant application, IJ America seeks authority to resell international private lines between the United States and Canada, the United Kingdom, Australia, New Zealand, Sweden, Australia, the Netherlands, Luxembourg, Norway, Denmark, France, Germany, Belgium, Austria, Switzerland, Japan and Italy for the provision of international switched services between the United States and those countries. In *Regulation of International Accounting Rates*, 7 FCC Rcd 559 (1992), the Commission found that such resale between the United States and countries affording "equivalent opportunities" for such resale would afford numerous public interest benefits, including increased demand, reduced prices, the virtual elimination of price discrimination, and the exertion of pressure to reduce above-cost accounting rates. More recently, the Commission has determined that the aforementioned countries afford such "equivalent opportunities" and granted the applications of companies to provide resold interconnected private line services between the United States and those countries. See Public Notice Report No. TEL-00017, released October 15, 1998.

¹ See, e.g., *TDX Systems, Inc.*, File No. ITC-86-108, released September 2, 1986; *Argo Communications International, Inc.*, 1 FCC Rcd 578 (1986); *BT North America, Inc.*, ITC-95-178, released April 20, 1995.

IIJ America believes that the added competition that its entry will bring to the market will benefit United States consumers of overseas data and voice services. These benefits include competitive pricing and increased availability of a variety of service options. The grant of this authorization will therefore further the public interest.

In support of IIJ America's request for authorization, the following information is submitted pursuant to Section 63.18 of the Commission's rules, as amended, 47 C.F.R.

§ 63.18 (1996):

(a) Name and address of Applicant:

IIJ America, Inc.
399 Park Avenue, 23rd Floor
New York, New York 10022
Attention: Kenzo Inuzuka, President and CEO
Telephone No.: (212) 350-1300

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

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

Eric Fishman, Esq.
Holland & Knight, LLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037
(202) 828-1849

with a copy to:

Kenzo Inuzuka, President and CEO
IIJ America, Inc.
399 Park Avenue, 23rd Floor
New York, New York 10022
Telephone No.: (212) 350-1300

- (d) Applicant has not previously received authority under Section 214 of the Communications Act, as amended. By grant of this Application, IJ America would become a nondominant international carrier for the provision of interexchange service, subject to Section 214 of the Act.
- (e) IJ America hereby requests Section 214 authority to operate as a facilities-based carrier pursuant to the terms and conditions of Section 63.18(e)(1) of the rules, and as a resale carrier pursuant to the terms and conditions of Section 63.18(e)(2) of the rules. The authorization sought in this application will be used to extend IJ America's telecommunications services from the United States to international points which IJ America seeks to serve. Applicant further proposes to resell international private lines between the United States and Canada, the United Kingdom, Australia, New Zealand, Sweden, The Netherlands, Luxembourg, Norway, Denmark, France, Germany, Belgium, Austria, Switzerland, Japan and Italy for the provision of international switched services between the United States and those countries. As noted elsewhere in this Application, the Commission has previously determined that equivalent resale opportunities exist between these countries and the United States.
- (f) IJ America is not requesting authorization to construct any international facilities between the points for which it is applying to provide resold services.

- (g) Does not apply (Applicant is not seeking facilities-based authority pursuant to Section 63.18(e)(6) of the rules).
- (h) See attached certification.
- (i) See attached certification.
- (j) See attached certification.

Conclusion

As demonstrated in this Application, IJ America is legally, financially and technically qualified to provide the service for which it requests authority. For the reasons stated above, IJ America submits that the public interest, convenience and necessity would be furthered by a grant of this Section 214 application. The requested authorization should therefore be issued to IJ America to enable it to provide international basic switched, private line, data, video and business services to all international points pursuant to Section 63.18(e)(1) of the Commission's rules, and pursuant to Section 63.18(e)(2) of the Commission's rules, to resell the international switched and private line services of authorized U.S. common carriers for the provision of international basic switched, private line, data, video and business services to all international points, including authority to resell private lines between the United State and Canada, the United Kingdom, Australia, New Zealand, Sweden, the Netherlands, Luxembourg, Norway, Denmark, France, Germany, Belgium, Austria, Switzerland, Japan and Italy for the provision of switched services between the United States and those countries.

CERTIFICATION

Applicant hereby certifies that it has no affiliation, as defined by Section 63.18 of the Commission's rules, with any foreign carriers, and that it has no interlocking directorates with other Section 214 certificated telecommunications carriers. In support of this certification, Applicant hereby states that its two sole shareholders, each holding 50% of the Company's capital stock, are Internet Initiative Japan Inc. ("IIJ Inc.") and IIJ Technology Inc. ("IIJ Technology"), both of which are Japanese corporations engaged in the business of providing internet-based services. Neither IIJ nor IIJ Technology is a foreign carrier as that term is defined under Section 63.18 of the Commission's rules. No single shareholder of IIJ Inc. holds a 10% or greater interest in the capital stock of IIJ Inc. The 10% or greater shareholders of IIJ Technology are, respectively, IIJ Inc. (39%), Sumitomo Corporation (10%), ITOCHU Corporation (10%), Sumitomo Electric Industries, Ltd. (10%), and Hitachi Software Engineering Co. The officers and directors of Applicant, IIJ Inc. and IIJ Technology are all Japanese citizens.

By:



Kenzo Inuzuka, President and CEO
IIJ America, Inc.
399 Park Avenue, 23rd Floor
New York, New York 10022
Telephone No.: (212) 350-1300

CERTIFICATION

Applicant hereby certifies that it and its respective affiliates have not agreed to accept special concessions directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows between the United States and any foreign country which the Applicant may serve under the authority granted under this part and will not enter into such agreements in the future.

By:



Kenzo Hatzuka, President and CEO
IJJ America, Inc.
399 Park Avenue, 23rd Floor
New York, New York 10022
Telephone No.: (212) 350-1300

CERTIFICATION

Pursuant to Section 1.2002 of the Commission's rules, IJ America, Inc. hereby certifies that it is not subject to a denial of Federal benefits, including FCC benefits, by Federal and/or state courts under authority granted by Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853a. See 6 FCC Rcd 7551 (1991).

By:



Kenzo Inuzuka, President and CEO
IJ America, Inc.
399 Park Avenue, 23rd Floor
New York, New York 10022
Telephone No.: (212) 350-1300

DECLARATION

I, Kenzo Inuzuka, am President and CEO of IJJ America, Inc. I have read the foregoing Section 214 Application and hereby declare, under penalty of perjury, that all statements contained therein are true and correct.

By:



Kenzo Inuzuka, President and CEO
IJJ America, Inc.
399 Park Avenue, 23rd Floor
New York, New York 10022
Telephone No.: (212) 350-1300

October 22, 1998

WAS1-389871