

*From*

*PN 215729*

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

Streamlined  
NEW YORK ACCESS CORPORATION  
ITC-214-19981 09-00910

- 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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*FBI*

DUPLICATE

FISHER WAYLAND COOPER LEADER & ZARAGOZA L.L.P.  
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SUITE 400

WASHINGTON, D. C. 20006-1851

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November 9, 1998

**DELIVERY VIA COURIER TO MELLON BANK**

FCC/INTERNET

NOV 09 1998

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

**Re: New York Access Corporation  
Section 214 Application for Authority to Operate as an  
International Facilities-Based and Resale Carrier**

Dear Ms. Salas:

On behalf of New York Access Corporation, we hereby submit for filing an original and five copies of a Section 214 Application for authority to operate as an international facilities-based and resale carrier for the purpose of providing switched, private line, data, and business services between the United States and all foreign points permitted by the Commission.

Pursuant to Section 63.12 of the Commission's Rules, New York Access Corporation requests streamlined processing of the enclosed Application.

An FCC Form 159 and a \$780.00 check to cover the required filing fee are attached hereto.

Please refer all questions and correspondence regarding this filing directly to the undersigned.

Very truly yours,



Glenn S. Richards  
Counsel for New York Access Corporation

Enclosures

\\DATA\CLIENTS\REGULATORY\APPLICATIONS\LETTERS\9212000L\_214

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC**

In the Matter of )  
 )  
New York Access Corporation )  
 )

. Application pursuant to Section 214 of the )  
Communications Act of 1934, as amended, )  
for global authority to operate as an international )  
facilities-based and as a resale carrier in the )  
provision of switched, private line, data and )  
business services )  
)

File No. ITC-98-

*ITC-214-1998109-00910*

**APPLICATION**

New York Access Corporation, (“Applicant”) pursuant to Section 214 of the Communications Act of 1934, as amended, and Section 63.18 of the Commission’s Rules, hereby requests global authority to operate as an international facilities-based carrier and as a resale carrier in the provision of switched, private line, data, and business services between the United States and all foreign points permitted by the Commission. As discussed below, this application is eligible for streamlined processing.

Pursuant to Section 63.18 of the Commission’s Rules, Applicant submits the following information.

- (a) The name of the applicant is:
- New York Access Corporation  
1 Biscayne Tower  
Suite 2690  
Miami, FL 33131

- (b) Applicant is a corporation organized under the laws of the state of Delaware.

- (c) Correspondence concerning this application should be addressed to the following:

Mr. Anthony Harper  
New York Access Corporation  
1 S. Biscayne Tower  
Suite 2690  
Miami, FL 33131  
305/375-8486 (ph)

With a copy to Applicant's attorney:

Glenn S. Richards  
Fisher Wayland Cooper Leader & Zaragoza, LLP  
2001 Pennsylvania Ave., NW - Suite 400  
Washington, DC 20006  
(202) 775-5678 (phone)  
(202) 296-6518 (fax)

- (d) Applicant has not previously received authority under Section 214 of the Act.

- (e) Applicant is hereby requesting Section 214 authority to operate as a facilities-

based carrier pursuant to Section 63.18(e)(1) of the Commission's Rules. Applicant hereby states that it will comply with the terms and conditions set forth in Section 63.18(e)(1)(ii) of the Commission's Rules and will not provide services to any country on the Commission's exclusion list. Under Section 63.10 of the Commission's Rules, Applicant qualifies as a non-dominant carrier and would provide services to all international points for which it qualifies for non-dominant regulation. See Section 63.18(e)(ii)(A) of the Commission's Rules.

Applicant is also requesting authority, pursuant to Section 63.18(e)(2) of the Commission's Rules, to resell the international services of all authorized U.S. common carriers pursuant to those carriers' tariffs and contracts on file with the Commission. Applicant hereby states that it will comply with the terms and conditions set forth in Section 63.18(e)(2)(ii) of the Commission's Rules. Applicant is not affiliated with any U.S. carriers regulated as dominant on the routes to be served.

As a facilities-based carrier and as a resale carrier, Applicant will provide international basic switched, private line, data, and business services to all international points permitted by the Commission.

(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.

(h) Applicant certifies that it is not affiliated with any U.S. carrier whose facilities-based services it proposes to resell, nor is it affiliated with any foreign carriers. Pursuant to Section 63.18(h)(2) of the Commission's Rules, the following information is provided regarding the ten percent or greater stockholders of Applicant.

Mr. Anthony Harper, President (50 percent)  
New York Access Corporation  
1 S. Biscayne Tower  
Suite 2690  
Miami, FL 33131  
Citizenship: USA  
Principal Business: Telecommunications

Peter Armstrong, Vice President (50 percent)  
New York Access Corporation  
1 S. Biscayne Tower  
Suite 2690  
Miami, FL 33131  
Citizenship: British  
Principal Business: Telecommunications

(i) Pursuant to Section 63.18(i) of the Commission's Rules, Applicant certifies that it 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.

(j) Pursuant to Sections 1.2001-1.2003 of the Commission's Rules, Applicant attaches to this application a certificate stating that 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) Applicant is not affiliated with a foreign carrier in a destination market, is not affiliated with a dominant U.S. carrier whose international switched or private line services it seeks authority to resell, and does not seek authority to provide switched basic services over private lines to a country for which the Commission has not previously authorized the provision of switched services over private lines. Accordingly, Applicant is eligible for streamlined processing pursuant to Section 63.12.

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NOV 21 1995 5:30 PM

**SECTION 1.2001 CERTIFICATION**

On behalf of New York Access Corporation, and in accordance with Sections 1.2001-

1.2003 of the Commission's Rules, 47 C.F.R. §§1.2001-1.2003, I hereby certify that neither

Applicant nor any 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. §

853(a).

  
\_\_\_\_\_  
Anthony Harper, President

New York Access Corporation

1 Biscayne Tower

Suite 2690

Miami, FL 33131

305/375-8486 (phone)

Dated: \_\_\_\_\_

INDATA\CLIENT\REGULATORY\APPLICAT\9212000A.214

