

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

In the Matter of )  
 GRAPHTEL, INC. )  
 )  
 ) File No. ITC-  
 )  
 Application for Authorization Pursuant to Section )  
 214 of the Communications Act of 1934 to )  
 Provide International Facilities-Based Services, )  
 And International Switched Resale Services, On A )  
 Global Basis )

**APPLICATION**

Graphotel, Inc. hereby applies for authority pursuant to Section 214 of the Communications Act of 1934, as amended ("Act") and Section 63.18 of the Rules, for authority to provide international facilities-based services, and international switched resale services, on a global basis.

A grant of this application will enable Graphotel to enter the global competitive marketplace. This will further the Commission's procompetitive policies and serve the public interest by bringing the benefits of increased customer choice and alternative services to the international marketplace. RCA Communications, Inc. v. F.C.C., 346 U.S. 86 (1953); Telocator Network of America v. F.C.C., 691 F.2d 525 (D.C. Cir. 1982); and Authorized User Policy, 100 FCC 2d 177 (1985).

This application is eligible for streamlined processing procedures under Section 63.12 of the Commission's Rules. Graphotel has no affiliation, within the meaning of Section 63.18(h)(1)(i), with a dominant U.S. or foreign facilities-based carrier.

The following information is set forth in response to the corresponding relevant lettered

provisions of Section 63.18 of the Commission's Rules:

(a) The name of the applicant is GraphTel, Inc. Its address is 329 Alfred Avenue, Teaneck, NJ 07666. Its telephone number is (201) 837-5100.

(b) GraphTel is a corporation organized under the laws of the State of Delaware.

(c) Correspondence regarding this application should be addressed to:

Robert E. Conn  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street, N.W.  
Washington, D.C. 20037  
(202) 663-8093

(d) GraphTel does not now have any authority under Section 214 of the Act.

(e) (1) GraphTel is requesting authority to operate as a facilities-based carrier pursuant to the terms and conditions of Section 63.18(e)(1). The authority requested is to acquire interests in all appropriately licensed U.S. common carrier and non-common carrier facilities, and any necessary overseas connecting facilities as needed, to provide international basic switched, private line, data, television and business services to all international points, except to those points indicated on the Commission's exclusion list.

(e) (2) GraphTel is also requesting authority 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 all international points pursuant to the terms and conditions of Section 63.18(e)(2).

(e) (3) GraphTel is not applying for authority to resell private lines for the purpose of providing international basic switched services to countries not on the FCC's published list of

equivalent countries.

(h) (1) Graphtel has affiliations with the following "foreign carriers", as those terms are defined in Section 63.18(h)(ii): Graphnet France S.A.R.L., Graphnet UK Limited, and Graphnet Hong Kong Limited. Graphtel also has affiliations with the other foreign entities, who do not appear to be "foreign carriers" within the FCC's definition because they are not "authorized within a foreign country to engage in the provision of international telecommunications services offered to the public in that country." These entities, are enhanced service providers and are not, therefore, required to obtain governmental authorizations. They are as follows: Graphnet Belgium s.n.c., Graphnet Canada, Inc., Graphnet Israel Ltd., and Graphnet Inc. Branch Bern in Switzerland.

(h) (2) Graphtel is wholly owned by Yaakov Elkon, who also controls Graphnet, Inc., a Commission authorized common carrier.

(h) (3) Graphtel does not have an affiliation with any U.S. carrier whose facilities-based services Graphtel proposes to resell, either directly or indirectly.

(h) (4) None of the affiliated foreign carriers or affiliated foreign entities, mentioned in paragraph (h)(1) above, owns or controls telecommunications facilities in any of the countries covered by this application.

(h) (5) Graphtel acknowledges that it is responsible for the continuing accuracy of the certifications required herein, and that it will notify the Commission of any change in substance as required by this section of the Rules.

(h) (6) The representation in paragraph (h)(4) above is incorporated herein by reference. Additionally, (i) France, U.K. and Hong Kong, where Graphtel's affiliated foreign carriers are located, are members of the World Trade Organization and provide or will provide

effective competitive opportunities to U.S. carriers to compete in those countries' respective international facilities-based markets; and (ii) Graphtel's affiliated foreign carriers in France, U.K. and Hong Kong, respectively, do not have the ability to discriminate against unaffiliated U.S. international carriers through control of bottleneck services or facilities in any of the countries covered by this application. Moreover, (i) Belgium, Canada, Israel and Switzerland, where Graphtel's affiliated foreign entities are located, are members of the World Trade Organization and provide effective competitive opportunities to U.S. enhanced service providers to compete in those countries' respective enhanced service markets; and (ii) Graphtel's affiliated enhanced service providers in Belgium, Canada, Israel and Switzerland, respectively, do not have the ability to discriminate against unaffiliated U.S. enhanced service providers.

(h) (7) The representation in paragraph (h)(4) above is incorporated herein by reference. Additionally, (i) France, U.K. and Hong Kong, where Graphtel's affiliated foreign carriers are located, are members of the World Trade Organization and provide or will provide effective competitive opportunities to U.S. carriers to compete in those countries' respective markets for the resale of international switched or non-interconnected private line services; and (ii) Graphtel's affiliated foreign carriers in France, U.K. and Hong Kong, respectively do not have the ability to discriminate against unaffiliated U.S. international carriers through control of bottleneck services or facilities in any of the countries covered by this application. Moreover, (i) Belgium, Canada, Israel and Switzerland, where Graphtel's affiliated foreign entities are located, are members of the World Trade Organization and provide effective competitive opportunities to U.S. enhanced service providers to compete in those countries' respective enhanced service markets; and (ii) Graphtel's affiliated enhanced service provider in Belgium, Canada, Israel and Switzerland, respectively, do not have the ability to discriminate against unaffiliated U.S. enhanced service providers.

(h) (8) Graphtel will be a nondominant carrier, and should be regulated as such.

(i) Graphtel has not agreed 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 Graphtel may serve under a grant of this application.

(j) 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.

WHEREFORE, Graphtel respectfully submits that the public interest, convenience and necessity will be served by a prompt grant of this application.

Respectfully submitted,

GRAPHTEL, INC.

By:  \_\_\_\_\_

Robert E. Conn

Shaw Pittman Potts & Trowbridge  
2300 N Street, N.W.  
Washington, D.C. 20037  
(202) 663-8093

November 25, 1998

**CERTIFICATIONS**

1. Pursuant to Section 63.18(h) of the FCC Rules, Graphnet, Inc. ("Graphnet") certifies that it has affiliations with foreign carriers in France, U.K. and Hong Kong, and with foreign non-carrier enhanced service providers in Belgium, Canada, Israel and Switzerland. None of these affiliates has the ability to discriminate against unaffiliated U.S. international carriers through control of bottleneck services or facilities in any of the destination countries covered by the foregoing application. Graphnet further certifies that it does not have an affiliation with any U.S. carrier whose facilities-based services are or will be resold by Graphnet either directly or indirectly. Graphnet also certifies that it is responsible for the continuing accuracy of all of the certifications

2. Pursuant to Section 63.18(i) of the FCC Rules, Graphnet certifies it has not agreed 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 served or to be served under the authority granted pursuant to Part 63 of the Commission's Rules; and Graphnet has not agreed to enter into such agreements in the future.

3. Pursuant to Section 1.2001-1.2003 of the FCC Rules, Graphnet certifies that it is not subject to a denial of Federal benefits that include FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988.

  
\_\_\_\_\_  
Idan Elkon  
Vice President  
Carrier Relations & Business Development

November 20, 1998

## CERTIFICATE OF SERVICE

I hereby certify that I have caused copies of the foregoing Application to be served this 25th day of November, 1998, by first class mail, postage prepaid, on the following:

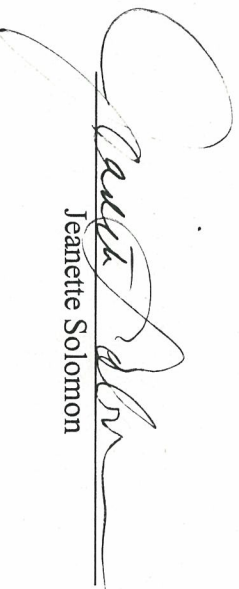
Deputy Assistant Secretary of  
Defense (Telecommunications)  
Office of the Assistant Secretary  
of Defense  
Pentagon, Room 3E160  
Washington, D.C. 20401

National Security Agency  
G042, NSA, EMC Center  
Room 1C166  
9800 Savage Road  
Fort George Meade, MD 20755

U.S. Coordinator and Director  
Office of International Communications  
Policy (EB-TD)  
Department of State  
21st and C Streets, N.W.  
Washington, D.C. 20305-2000  
Attn: Code 15

Chief Regulatory Counsel  
Defense Communications Agency  
Washington, D.C. 20305-2000  
Attn: Code 115

National Telecommunications and  
Information Administration  
14th & Constitution Avenue, N.W.  
Room H4717  
Washington, D.C. 20320



Jeanette Solomon



SHAW PITTMAN  
POTTS & TROWBRIDGE

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1675 Broadway  
New York, NY 10019-5820

ROBERT E. CONN

Senior Counsel

robert.conn@shawpittman.com

Via Hand Delivery

December 7, 1998

Frances G. Eisenstein, Esq.  
Telecommunications Division  
Policy & Facilities Branch  
International Bureau  
Federal Communications Commission  
Washington, D.C. 20554

Re: Graphtel, Inc.

Dear Ms. Eisenstein:

Graphtel, Inc. filed a Section 214 Application for resale and facilities-based services which was received by FCC/Mellon on November 27, 1998, as shown by the enclosed receipt-stamped transmittal letter.

Item (h)(2) on page 3 of the Application indicates that Graphtel is wholly owned by Yaakov Elkon. Mr. Elkon is a U.S. citizen.

The resale authority requested by Graphtel is for both switched and private line (on both an interconnected basis where previously authorized by the FCC, and non-interconnected basis) services.

Sincerely,



Robert E. Conn

Attorney for Graphtel

Enclosure

SHAW PITTMAN  
POTTS & TROWBRIDGE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

2300 N Street, N.W.  
Washington, D.C. 20037-1128  
202.663.8000  
Facsimile 202.663.8007

NOV 27 1998  
STAMP & RETURN

ROBERT E. CONN

Senior Counsel  
202.663.8093  
robert.conn@shawpitman.com

November 25, 1998

1675 Broadway  
New York, NY 10019-5820

Via Federal Express

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

Re: Graphtel, Inc.

Dear Sir/Madam:

Graphtel, Inc. submits the enclosed original and five copies of its Section 214 application for global facilities-based/resale authorization.

Also enclosed is an FCC Form 159 and a check in the amount of \$780.00 to cover the applicable filing fee. Please receipt-stamp the extra enclosed copy of this transmittal letter and return it to me in the enclosed stamped self-addressed envelope.

Sincerely,



Robert E. Conn  
Attorney for Graphtel

Enclosures