

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: _____

FBI

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December 4, 1998

VIA COURIER

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

Attention: Diane Cornell, Division Chief

Re: Application of CompleteTel LLC, CableTel Management, Inc., CompleteTel S.A.R.L.,
Hohenstaufen Zweiunddachtzigste Vermögensverwaltungs GmbH, CompleteTel B.V.,
CompleteTel Holding I B.V., and CompleteTel U.K., for Global Authority Pursuant to Section
214 of the Communications Act of 1934, As Amended, to Operate as International Facilities-
based Carriers and as International Resale Carriers

Dear Sir or Madam:

Enclosed for filing with the Commission are an original and six (6) copies of the application of CompleteTel LLC requesting global authority on behalf of itself and each of its subsidiaries, CableTel Management, Inc., CompleteTel S.A.R.L., Hohenstaufen Zweiunddachtzigste Vermögensverwaltungs GmbH, CompleteTel B.V., CompleteTel Holding I B.V., and CompleteTel U.K., to operate as international facilities-based carriers and international resale carriers 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,



Helen E. Disenhaus
Adam L. Kupetsky
Rachel D. Flann

Their Counsel

Enclosures

cc: Troy Tanner

65153.1

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

In the Matter of

COMPLETEL LLC

Application on behalf of itself and its Subsidiaries,
CableTel Management, Inc., CompleteL S.A.R.L.,
Hohenstaufen Zweiunddachtzigste
Vermögensverwaltungs GmbH, CompleteL B.V.,
CompleteL Holding I B.V., and CompleteL U.K.
Limited Pursuant to Section 214 of the
Communications Act of 1934,
as amended, for Global Authority to Operate
as International Facilities-based and
International Resale Carriers

File No. I-T-C-98- _____

APPLICATION

CompleteL LLC (“Applicant”), by its undersigned counsel, hereby requests, on behalf of itself and its subsidiaries, CableTel Management, Inc. (“CableTel”), CompleteL S.A.R.L., Hohenstaufen Zweiunddachtzigste Vermögensverwaltungs GmbH (“Hohenstaufen”), CompleteL B.V., CompleteL Holding I B.V. (“CompleteL Holding”), and CompleteL U.K. Limited (“CompleteL U.K.”) (collectively, “Subsidiaries”), “global” authority pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.18 of the Commission’s Rules, 47 C.F.R. § 63.18 (1996), to enable the Applicant and each of the Subsidiaries to provide international telecommunications services between the United States and international points (other than those excluded by the Exclusion List, where applicable). Grant of the Applicant’s request will directly further the Commission’s policies of bringing increased competition to the United States

international telecommunications services market and is, therefore, in the public interest. Pursuant to 47 C.F.R. § 63.12, this application is eligible for streamlined processing.

Information Required under Section 63.18

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

- (a) Name, address and telephone number:
- CompleteTel LLC
Washington Plaza, Immeuble Artois
44 rue Washington
75408 PARIS
Telephone: 011.33.1.5353.8383
 - CableTel Management, Inc.
(See above address and telephone number)
 - CompleteTel S.A.R.L.
(See above address and telephone number)
 - Hohenstaufen Zweimundschitzigste Vermögensverwaltungs GmbH
(See above address and telephone number)
 - CompleteTel B. V.
(See above address and telephone number)
 - CompleteTel Holding I B. V.
(See above address and telephone number)
 - CompleteTel U.K. Limited
(See above address and telephone number)
- (b) Applicant CompleteTel LLC and Subsidiary CableTel are corporations organized under the laws of the State of Delaware. CompleteTel B. V. and CompleteTel Holdings are organized under the laws of the Netherlands. Hohenstaufen, CompleteTel U.K. and CompleteTel S.A.R.L. are organized under the laws of the countries of Germany, the United Kingdom and France, respectively.

- (c) Correspondence concerning this application should be sent to:

Helen E. Disenhaus
Adam L. Kupetsky
Rachel D. Flam
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Telephone: (202) 424-7790
Facsimile: (202) 424-7645

with a copy to:

Charles Menatti
CompleTel LLC
Washington Plaza, Immeuble Artois
44 rue Washington
75408 PARIS
Telephone: 011.33.1.5353.8383
Facsimile: 011.33.1.5353.8384

- (d) Upon grant of this application, Applicant and each of the Subsidiaries will become authorized non-dominant facilities-based carriers and resellers with global authority, subject to Section 214 of the Communications Act of 1934, as amended, and the Commission's Rules. Applicant and each of the Subsidiaries lacks the market power that would allow them to control prices to the detriment of market competition.

- (e) Applicant hereby requests, on behalf itself and each of the Subsidiaries, four types of authority, all of which are eligible for streamlined processing.¹⁷ Specifically, Applicant requests on behalf of itself and each of the Subsidiaries: (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 interests in United States-authorized facilities as well as necessary connecting facilities to provide international telecommunications

¹⁷ 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 (1996); see also *Rules and Policies on Foreign Market Participation in the U.S. Telecommunications Market*, IB Docket 97-142, *Report and Order on Reconsideration*, FCC 97-398 at ¶¶ 21, 322-29 (rel. Nov. 27, 1997) ("*Foreign Market Participation Order*").

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 FCC's Rules, 47 C.F.R. § 63.18(e)(2), to resell the international switched services of all United States-authorized carriers, other than those affiliated carriers with market power on a particular route, 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 international routes on which the Commission permits such services to be provided.^{3/}

(f) Applicant seeks, on behalf of itself and each of the Subsidiaries, 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 1.1306 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) The Applicant and each of the Subsidiaries certifies that they are not affiliated with any dominant U.S. carriers whose facilities-based services they propose to resell. One of the Subsidiaries is, however, a foreign carrier within the meaning of Section

^{2/} Applicant seeks, for itself and the Subsidiaries, only authority to own circuits on facilities not excluded by the Exclusion List.

^{3/} The FCC will automatically amend all Section 214 authorizations to permit carriers to resell international private lines to provide international switched services between the United States and other countries as provision of such services becomes permitted by the Commission. See *Streamlining Order* at ¶ 34. Cf. *Foreign Market Participation Order* at ¶¶ 29-86 (declaring that, upon the effective date of the Commission's new rules, carriers reselling international private lines interconnected to the public switched network to provide international switched services between the U.S. and WTO Member countries will no longer have to meet the equivalency test if settlement rates for at least 50 percent of the U.S.-billed traffic on the route or routes in question are at or below the relevant benchmark posted in the Commission's *Benchmarks Order*). Cf. *International Settlement Rates*, IB Docket 96-261, *Report and Order*, FCC 97-280 (rel. Aug. 18, 1997) ("*Benchmarks Order*").

63.18(h)(1)(i), in France. CompleTel S.A.R.L. has been awarded, or is expected to be awarded, an L-33-1 fixed wireline license and an L-34 voice telephony license.

Each of the non-U.S. Subsidiaries are from WTO member countries. Moreover, as a relatively new entrant, CompleTel S.A.R.L., the one foreign carrier among them, does not hold significant market share in any destination country covered by this application.

An interlocking directorate report is appended hereto as Attachment A.

The following individuals hold a ten percent (10%) or greater direct or indirect shareholder or other equity interest in the **Subsidiaries**:

Name: CompleTel LLC
Address: Washington Plaza, Immeuble Artois
44 rue Washington
75408 PARIS
Percentage Held: 100%
Citizenship: Delaware (U.S.)
Principal Business: Telecommunications

- (i) Pursuant to Section 63.18 (i) of the Commission's Rules, 47 C.F.R. § 63.18(i), the Applicant certifies that neither it or any of the Subsidiaries have agreed to accept nor shall they 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 between the United States and any foreign country which they are or may be authorized to serve.

- (j) Neither the Applicant or any of the Subsidiaries are subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. A 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) The Applicant requests streamlined processing of this application. Neither the Applicant or any of the Subsidiaries are affiliated with any U.S. carriers whose facilities-based services they propose to resell; nor are any of the non-U.S. Subsidiaries foreign carriers with market power. This application, therefore, qualifies for streamlined processing.

CONCLUSION

For the reasons stated above, CompleTel LLC respectfully submit that the public interest, convenience and necessity would be furthered by a grant of this Section 214 application.

Respectfully submitted,

COMPLETEL LLC

By: 

Helen E. Disenhaus
Adam L. Kupetsky
Rachel D. Flam

Swidler Berlin Sherreff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Tel: (202) 424-7790
Fax: (202) 424-7645

Its Counsel

Dated: December 4, 1998

ATTACHMENT A

**INTERLOCKING DIRECTORATE REPORT
of
COMPLETEL LLC AND THE SUBSIDIARIES**

Interlocking Office/Director	Title/Position	Companies
Royce J. Holland	Board of Managers Chief Executive Officer	CompleteTel LLC Alliance Telecom, Inc.
James E. Dovey	Director Chairman & Chief Executive Officer	CompleteTel LLC CompleteTel Europe, B.V.
William H. Pearson	Director & President President of European Operations	CompleteTel LLC CompleteTel Europe, B.V.

CERTIFICATION OF APPLICANT

On behalf of CompleTel, LLC and its wholly-owned subsidiaries listed in the foregoing Application for Section 214 authority, 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.

Neither CompleTel, LLC, nor any of its wholly-owned subsidiaries listed in the foregoing Application for Section 214 authority has 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.

COMPLETEL, LLC

By: 

Name: WILLIAM H. PEARSON

Title: PRESIDENT

Date: 18 Nov, '98