

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

*services to Hong Kong -  
retrieval services & non-interneted  
private lines  
agreed to be regulated as  
domestic*

*CRS*

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

APPROVED BY OMB 3060-0589

(1) LOCKBOX # 358,115

PAGE NO. 1 OF 1  
DEC 18 1998

SPECIAL USE  
FCC USE ONLY

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)  
Kelley Dye & Warren, LLP

SECTION A - PAYER INFORMATION

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

(4) STREET ADDRESS LINE NO. 1  
1200 19th Street, NW

(5) STREET ADDRESS LINE NO. 2  
Suite 500

(6) CITY  
Washington

(7) STATE  
DC

(8) ZIP CODE  
20036

(9) DAYTIME TELEPHONE NUMBER (include area code)  
202-955-9600

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

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)  
Hong Kong Telecommunications (Pacific) Limited

(12) STREET ADDRESS LINE NO. 1  
P.O. Box 9896 GPO

(13) STREET ADDRESS LINE NO. 2

(14) CITY  
HONG KONG

(15) STATE

(16) ZIP CODE

(17) DAYTIME TELEPHONE NUMBER (include area code)  
852-2883-0580

(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  
(22A) FEE DUE FOR (PTC) IN BLOCK 20A  
\$ 780.00

FCC USE ONLY

(23A) FCC CODE 1  
(20B) PAYMENT TYPE CODE (PTC)  
(21B) QUANTITY  
(22B) FEE DUE FOR (PTC) IN BLOCK 20B  
\$

FCC CODE 2  
(24A) FCC CODE 2  
\$

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

FCC USE ONLY

(23B) FCC CODE 1  
(20D) PAYMENT TYPE CODE (PTC)  
(21D) QUANTITY  
(22D) FEE DUE FOR (PTC) IN BLOCK 20D  
\$

FCC CODE 2  
(24B) FCC CODE 2  
\$

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

FCC USE ONLY

(23C) FCC CODE 1  
(20F) PAYMENT TYPE CODE (PTC)  
(21F) QUANTITY  
(22F) FEE DUE FOR (PTC) IN BLOCK 20F  
\$

FCC CODE 2  
(24C) FCC CODE 2  
\$

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

FCC USE ONLY

(23D) FCC CODE 1  
(20H) PAYMENT TYPE CODE (PTC)  
(21H) QUANTITY  
(22H) FEE DUE FOR (PTC) IN BLOCK 20H  
\$

FCC CODE 2  
(24D) FCC CODE 2  
\$

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN  
0 1 3 5 3 3 5 1 0 7

(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN SECTION E IS DIFFERENT FROM PAYER NAME IN (A-3)  
APPLICANT TIN

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT  
I, Joan M. Griffin (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  
*Joan M. Griffin*

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

AUTHORIZED SIGNATURE

DATE

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

KELLEY DRYE & WARREN LLP  
A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

1200 19TH STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

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PARSIPPANY, NJ

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WRITER'S DIRECT LINE  
(202) 955-9786

WRITER'S E-MAIL  
jgriffin@kelleydrye.com

BRUSSELS, BELGIUM

HONG KONG

December 18, 1998

AFFILIATE OFFICES  
BANGKOK, THAILAND  
JAKARTA, INDONESIA  
MANILA, THE PHILIPPINES  
MUMBAI, INDIA  
TOKYO, JAPAN

*Via Hand Delivery*

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

Attn: Diane J. Cornell, Chief

Re: Application of Hong Kong Telecommunications (Pacific) Ltd. for Authority  
Pursuant to Section 214 of the Communications Act of 1934, as Amended, to  
Resell Switched Services and Non-Interconnected Private Line Services  
Between the United States and Hong Kong

Dear Sir or Madam:

Hong Kong Telecommunications (Pacific) Ltd., by its attorneys, hereby submits for filing an original and five (5) copies of its above-captioned application. Enclosed is a duplicate of this filing and a return envelope. Please date-stamp the duplicate upon receipt and return it in the envelope provided. Also enclosed is a check in the amount of \$780.00 for the filing fee.

Please do not hesitate to call me at the above-referenced number if you should have any questions regarding this matter.

Sincerely,

  
Jean M. Griffin  
Senior Counsel

Enclosures

DC01/GRJF/65135.1

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

In the Matter of

HONG KONG TELECOMMUNICATIONS  
(PACIFIC) LIMITED

)  
)  
)

File No. \_\_\_\_\_

Application for Authority Pursuant  
to Section 214 of the Communications  
Act of 1934, As Amended, to Resell  
Switched Services and Non-Interconnected  
Private Line Services

)  
)  
)  
)  
)  
)  
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APPLICATION

Hong Kong Telecommunications (Pacific) Limited (“HKTP” or “the Applicant”), by its attorneys, hereby requests authority, pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. §214 (1988) (“the Act”), and Section 63.18(e)(6) of the Commission’s Rules, 47 C.F.R. §63.18 (1998), to resell the switched services and non-interconnected private line services of U.S. facilities-based carriers for the provision of service between the U.S. and Hong Kong.

HKTP is a corporation organized and existing under the laws of Hong Kong. Three of HKTP’s affiliates in Hong Kong – Hong Kong Telephone Company Limited (“Hong Kong Telephone”), Hong Kong Telecom International Limited (“HKT”), and Hong Kong Telecom CAS Limited (“HKTCAS”) – are “foreign carriers” under the Commission’s Rules. However, Hong Kong is a member of the World Trade Organization, and thus grant of resale authority to

HKTP is appropriate under the rules and policies established by the Commission in its *Foreign Participation Order*.<sup>1</sup>

HKTP will accept dominant carrier treatment in the event the Commission grants this Application. As such, streamlined processing of this Application is appropriate under Section 63.12(c) of the Commission's Rules, and HKTP asks that the Commission process this Application in accordance with its streamlined processing procedures.

In support of this Application and as required by Section 63.18 of the Commission's Rules,

HKTP submits the following information:

- (a) The name and address of the Applicant is:  
  
Hong Kong Telecommunications (Pacific) Limited  
P. O. Box 9896 GPO  
Hong Kong
- (b) HKTP is a corporation organized and existing under the laws of Hong Kong.
- (c) Correspondence concerning this Application should be sent to:

Keith Harrison  
Director of International  
Hong Kong Telecom  
P. O. Box 9896 GPO  
Hong Kong  
Phone: 852-28830580  
Fax: 852-29626202

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<sup>1</sup> *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, IB Docket No. 97-142 (rel. Nov. 26, 1997) (“*Foreign Participation Order*”).

With copy to:

Philip V. Permut  
Joan M. Griffin  
Kelley Drye & Warren LLP  
1200 19th Street, N.W.  
Suite 500  
Washington, DC 20036  
Phone: 202-955-9600  
Fax: 202-955-9792

- (d) HKTP received authority under Section 214 of the Act to resell private lines for the provision of non-telephonic services between the U.S. and Hong Kong in File No. I-T-C-98-196 (Order and Authorization released October 1, 1998). In addition, two applications filed by HKTP for Section 214 authority are currently pending before the Commission, in File Nos. I-T-C-97-138 (authority to resell private lines for the provision of switched virtual private network services between the U.S. and Hong Kong) and ITC-214-19980930-00689 (international simple resale authority on the U.S. - Hong Kong route).
- (e) HKTP requests authority pursuant to Section 63.18(e)(6) of the Commission's Rules. Specifically, HKTP seeks authority to resell the switched services and non-interconnected international private line services of U.S. facilities-based carriers, for the provision of service between the U.S. and Hong Kong.
- (f) No response required.
- (g) Not applicable.
- (h) (1) As evidenced by the certification provided in Attachment 1, HKTP certifies that it is a foreign carrier in Canada as defined in Section 63.18(h)(1)(ii) of the Commission's rules. HKTP also certifies that it is affiliated with foreign carriers (as those terms are defined in Section 63.18(h)(1)(i) and (ii) of the Commission's Rules) that operate in the countries listed in Attachment 1.  
(2) The registered shareholders of HKTP are two holding companies, Hong Kong Telecom Enterprises Limited ("HKTE"), a Hong Kong corporation, and Hong Kong Telecommunications (Nominees) Limited ("HKTN"), a Hong Kong corporation. HKTN and HKTE are each wholly-owned subsidiaries of another holding company, Hong Kong Telecom, which is also a Hong Kong corporation.<sup>2</sup> Cable and Wireless plc ("C&W plc"), a corporation organized under the laws of England and Wales, holds

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<sup>2</sup> The address of HKTE, HKTN, and Hong Kong Telecom is the same as that of HKTP.

approximately 54 percent of Hong Kong Telecom.<sup>3</sup> C&W plc is holding company for a number of telecommunications operations worldwide. China Telecom (Hong Kong) Group Limited (“CTHKG”) owns approximately 13 percent of the outstanding shares of Hong Kong Telecom. CTHKG is a holding company and a Hong Kong corporation. Various companies related to CTHKG provide mobile and international telecommunications services in the People’s Republic of China.

The following individuals are interlocking directors of HKTP:

Linus Wing-lam Cheung  
Alistair Grieve

- (3) As evidenced by the certification provided in Attachment 1, HKTP is affiliated, as defined in Sections 63.18(h)(1)(i) and (h)(3) of the Commission’s Rules, with Cable & Wireless, Inc. (“CWUSA”), a U.S. carrier. HKTP may acquire some or all of the necessary circuits for resale from CWUSA.
- (4) No response required.
- (5) Not applicable; HKTP does not seek facilities-based authority in this Application.
- (6) Hong Kong is a member of the WTO.
- (7) HKTP will file the quarterly traffic reports required by Section 43.61(c) of the Commission’s Rules.
- (8) Not applicable; HKTP will accept dominant carrier treatment. HKTP notes that its books of account are separate from those of HKTL, Hong Kong Telephone, and HKTCCAS. In addition, HKTP does not own transmission or switching facilities jointly with either HKTL, Hong Kong Telephone, or HKTCCAS. Accordingly, HKTP satisfies the Commission’s requirements, as set forth in Section 63.10(c)(2), for the provision of international service as a dominant carrier.
- (i) As evidenced by the certification provided in Attachment 1, HKTP 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.

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<sup>3</sup> The address of Cable and Wireless plc is 124 Theobalds Road, London WC1X 8RX, England.

(j) As evidenced by the certification provided in Attachment 1, HKTP certifies 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) Hong Kong is a member of the WTO, and HKTP will accept dominant carrier treatment. Accordingly, streamlined processing is appropriate under Section 63.12(c)(iii) of the Commission's Rules.

For the reasons stated herein, the Commission should grant the authority requested in this

Application.

Respectfully Submitted,

HONG KONG TELECOMMUNICATIONS  
(PACIFIC) LIMITED

By: 

Philip V. Permut<sup>4</sup>

Joan M. Griffin

KELLEY DRYE & WARREN LLP

1200 19th Street, N.W.

Suite 500

Washington, D.C. 20036

(202) 955-9600

Its Attorneys

Date: Dec. 18, 1998

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<sup>4</sup> Pursuant to Section 1.743(b) of the Commission's Rules, this Application is signed by HKTP's counsel on its behalf as all HKTP representatives that are authorized to sign the Application are absent from the U.S.

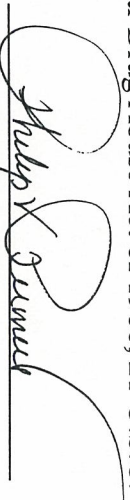


CERTIFICATE

The undersigned hereby certifies, on behalf of Hong Kong Telecommunications (Pacific) Limited ("HKTP") and with respect to the foregoing application of HKTP for authority to resell international private lines and switched services for the provision of services between the U.S. and Hong Kong, that:

1. HKTP is a foreign carrier (as that term is defined in Section 63.18(h)(1)(i) of the Commission's Rules) in Canada.
2. HKTP is affiliated with foreign carriers (as those terms are defined in Section 63.18(h)(1)(i) and (ii) of the Commission's Rules) that operate in the countries listed in Annex A to this Attachment.
3. HKTP is affiliated, as defined in Sections 63.18(h)(1)(I) and (h)(3) of the Commission's Rules, with Cable & Wireless, Inc. ("CWUSA"), a U.S. Carrier whose facilities-based services HKTP may resell on the rate.
4. HKTP 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.
5. 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, 21 U.S.C. § 853(a).

By:



Philip V. Pernut<sup>5</sup>

Joan M. Griffin  
KELLEY DRYE & WARREN LLP  
1200 19th Street, N.W.  
Suite 500  
Washington, D.C. 20036  
(202) 955-9600  
Its Attorneys

December 18, 1998

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<sup>5</sup> Pursuant to Section 1.743(b) of the Commission's Rules, this Application is signed by HKTP's counsel on its behalf as all HKTP representatives that are authorized to sign the Application are absent from the U.S.

**COUNTRIES IN WHICH**  
**HONG KONG TELECOMMUNICATIONS (PACIFIC) LTD.**  
**IS AFFILIATED WITH A FOREIGN CARRIER**

Anguilla	Macao
Antigua	Maldives
Ascension Island	Montserrat
Australia	Pakistan
Barbados	Panama
Bermuda	Philippines
British Virgin Islands	Russia
Bulgaria	Seychelles
Canada	Solomon Islands
Cayman Islands	St. Helena
China	St. Kitts & Nevis
Diego Garcia	St. Lucia
Dominica	St. Vincent
Falkland Islands	Tonga
Fiji	Trinidad & Tobago
Grenada	Turks & Caicos
Hong Kong	United Kingdom
Indonesia	Vanuatu
Jamaica	Yemen
Japan	