

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

ITC-214-19990122-00031

- 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: _____

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

COPY

WASHINGTON OFFICE
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
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January 22, 1999

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NEW YORK, NY 10022-9998
TELEPHONE (212) 758-9500
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FCG/MELLSBANK
JAN 22 1999

BY COURIER

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

Attention: Diane Cornell, Division Chief

Re: *Application of International Mobile Communications, Inc. for Global Authority
Pursuant to Section 214 of the Communications Act of 1934, As Amended, to
Operate as an International Facilities-Based and Resale Carrier.*

Dear Sir or Madam:

Enclosed for filing with the Commission are an original and six (6) copies of the application of International Mobile Communications, Inc., requesting global authority, pursuant to Section 214 of the Communications Act of 1934, as amended, to operate as an international facilities-based and resale carrier between the United States and various international points.

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,



Andrew D. Lipman
Kathleen L. Greenan

Counsel for International Mobile Communications,
Inc.

Enclosures

cc: Troy Tanner, Chief, Policy and Facilities Branch, International Bureau
Bruce S. Deming, Esq.

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

In the Matter of

INTERNATIONAL MOBILE
COMMUNICATIONS, INC.

File No. ITC-98-

ITC-214-19990122-00031

Application for Global Authority Pursuant to
Section 214 of the Communications Act
of 1934, as amended, to Operate as an
International Facilities-Based and Resale Carrier
Between the United States and Various
International Points

APPLICATION

International Mobile Communications, Inc. ("IMCI" or "Applicant"), by its undersigned counsel, hereby requests "global" authority, under 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 (1997), to provide international telecommunications services between the United States and international points.

I. The Proposed International Services

IMCI requests four types of authority in this Application, all of which are eligible for streamlined processing.^{1/} IMCI specifically requests: (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 half-circuits in U.S.-authorized facilities as well as necessary connecting facilities to provide

^{1/} See *Streamlining the International 214 Authorization Process and Tariff Requirements*, 11 FCC Rcd 12884 (1996) (adopting streamlined 35-day processing procedures for certain international resale applications) ("*Streamlining Order*"); 47 C.F.R. § 63.12 (1998).

international telecommunications 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 U.S.-authorized carriers 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/} As IMCI does not seek authority to serve countries or use facilities excluded by the Exclusion List, and does not seek to serve countries in which it has a facilities-based affiliate, IMCI's Application for authority pursuant to Section 214 is eligible for streamlined processing.^{4/}

^{2/} IMCI only seeks 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. *Streamlining Order* at ¶ 34. *See also, International Settlement Rates*, IB Docket 96-261, *Report and Order*, FCC 97-280 (rel. Aug. 18, 1997)(*Benchmarks Order*); *Rules and Policies of Foreign Market Participation in the U.S. Telecommunications Market*, IB Docket 97-142, *Report and Order on Reconsideration*, FCC 97-398 (rel. Nov. 26, 1997) (*Foreign Market Participation Order*).

^{4/} *See Streamlining Order*, 47 C.F.R. § 63.12 (1998).

IMCI believes that the added competition its entry will bring to the market will benefit the consumers of United States-overseas services. These benefits include competitive pricing and increased availability of a variety of service options. A grant of this Application will therefore further the public interest.

II. The Applicant

IMCI is a corporation organized under the laws of the State of Maryland. IMCI is not affiliated, as that term is defined by Part 63 of the Commission's Rules^{5/} with any dominant U.S. carriers whose international services IMCI will resell. IMCI is affiliated, within the meaning of Section 63.18(h)(1)(i), 47 C.F.R. § 63.18(h)(1)(i), of the Commission's Rules, with foreign carriers that lack sufficient market power on the respective foreign end of the route to affect competition adversely in the U.S. market. Therefore, IMCI should be classified as a nondominant carrier for the provision of the services for which authority is requested in this Application, and IMCI's Application is eligible for streamlined processing.

III. Public Interest Considerations

In the *Market Entry Order*, the Commission set forth the following policy goals for its regulation of the U.S. international telecommunications market: to promote effective competition in the U.S. telecommunications market, particularly the market for international telecommunications services; to prevent anticompetitive conduct in the provision of international services or facilities; and to encourage foreign governments to open their communications

^{5/} 47 C.F.R. §63.18(h); *Market Entry and Regulation of Foreign-Affiliated Entities, Report and Order*, 11 FCC Rcd 3875 (1995) (*Market Entry Order*).

markets.^{6/} The Commission also stated that "establishing an effectively competitive global communications market could result in reduced rates, increased quality, and new innovative services."^{7/} In addition, the Commission found that "effective competition directly advances the public interest and the Commission's paramount goal of making available a rapid, efficient, worldwide wire and radio communication service with adequate facilities at reasonable charges."^{8/}

Grant of IMCI's request for facilities-based and resale authority to provide international services as requested in this Application will directly further the Commission's policies of bringing increased competition to the U.S. international telecommunications services market and is therefore in the public interest.

IV. Information Required under Section 63.18

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

- (a) Name, address and telephone number of Applicant:

International Mobile Communications, Inc.
4330 East-West Highway
Suite 1115
Bethesda, MD 20814
Tel: (301) 652-2075
Attention: President

- (b) Applicant is a corporation incorporated under the laws of the State of Maryland.

^{6/} *Id.* at ¶ 6.

^{7/} *Id.*

^{8/} *Id.* at ¶ 10.

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

Andrew D. Lipman
Kathleen L. Greenan
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Tel: (202) 945-6922
Fax: (202) 424-7645

with a copy to:

Bruce S. Denning, Esq.
3001 North Second Street
Arlington, VA 22201
Tel: (703) 243-4831
Fax: (703) 243-2852

(d) Upon grant of this Application, IMCI will become an authorized non-dominant facilities-based carrier and reseller with global authority, subject to Section 214 of the Communications Act of 1934, as amended, and the Commission's Rules. IMCI lacks the market power that would allow it to control prices to the detriment of market competition.

(e) IMCI requests Section 214 authority to operate as a facilities-based carrier pursuant to the terms and conditions of Section 63.18(e)(1) and to operate as a resale carrier pursuant to the terms and conditions of Section 63.18(e)(2). Specifically, IMCI requests: (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 half-circuits in U.S.-authorized facilities as well as necessary connecting facilities to provide international telecommunications services between the United States and all international points except those countries excluded by the Exclusion List;^{9/} (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 U.S.-authorized carriers 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

^{9/} IMCI only seeks authority to own circuits or facilities not excluded by the Exclusion List.

pursuant 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.

(f) IMCI seeks the authority to provide only the 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) (1) IMCI is not "affiliated," either directly or indirectly, with any foreign carrier pursuant to 47 C.F.R. § 63.18(h)(1)(i).

Information regarding **IMCI's 10%** or greater direct or indirect shareholders is as follows:

Name: S. Blake Swensrud II
Address: 6605 Boxford Way
Bethesda, MD 20817
Percentage Held: 95%
Citizenship: USA
Principal Business: International Cellular Communication Services

(2) IMCI has no interlocking officers or directors.

(i) As required by Section 63.18 (i) of the Commission's Rules, 47 C.F.R. § 63.18(i), IMCI certifies that it has not 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 between the U.S. and any foreign country for which IMCI may be authorized to serve.

(j) IMCI is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. IMCI's 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.

CONCLUSION

For the reasons stated above, International Mobile Communications, Inc. respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Section 214 Application.

Respectfully submitted,

By:



Andrew D. Lipman
Kathleen L. Greenan
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, N. W., Suite 300
Washington, DC 20007
(202) 945-6922 (tel)
(202) 424-7645 (fax)

Counsel for International Mobile
Communications, Inc.

Dated: January 22, 1999

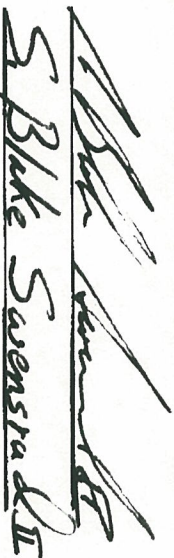
CERTIFICATION OF APPLICANT

On behalf of International Mobile Communications, Inc. 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.

To the extent required by the Commission's rules, International Mobile Communications, Inc. has not agreed to accept any special concessions directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flow between the United States and various international points under the authority granted under Section 214 of the Communications Act of 1934, as amended, and the Commission's Rules, and has not agreed to enter into such agreements in the future.

INTERNATIONAL MOBILE COMMUNICATIONS, INC.

By:



Name:

S Blake Swensrud II

Title:

Chairman + CEO

Date:

1/20/19

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

APPROVED BY CMB 3060-0539

358115

PAGE NO. 1 OF 1

SPECIAL USE
FCC USE ONLY

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)
Swidler Berlin Shereff Friedman, LLP

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

(4) STREET ADDRESS LINE NO. 1
3000 K Street, N.W.

(5) STREET ADDRESS LINE NO. 2
Suite 300

(6) CITY
Washington

(7) STATE
D.C.

(8) ZIP CODE
20007-5116

(9) DAYTIME TELEPHONE NUMBER (include area code)
(202) 424-7500

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)
SECTION B - APPLICANT INFORMATION
International Mobile Communications, Inc.

(12) STREET ADDRESS LINE NO. 1
4330 East-West Highway

(13) STREET ADDRESS LINE NO. 2
Suite 1115

(14) CITY
Bethesda

(15) STATE
MD

(16) ZIP CODE
20814

(17) DAYTIME TELEPHONE NUMBER (include area code)
(301) 652-2075

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

SECTION C - PAYMENT INFORMATION

(18A) FCC CALL SIGN/OTHER ID
(20A) PAYMENT TYPE CODE (PTC)
C U T
(21A) QUANTITY
1
(22A) FCC CODE 1
(22A) FCC CODE 2
\$ 780.00
FCC USE ONLY

(18B) FCC CALL SIGN/OTHER ID
(20B) PAYMENT TYPE CODE (PTC)
(21B) QUANTITY
(22B) FEE DUE FOR (PTC) IN BLOCK 208
\$
FCC USE ONLY

(18C) FCC CALL SIGN/OTHER ID
(20C) PAYMENT TYPE CODE (PTC)
(21C) QUANTITY
(22C) FEE DUE FOR (PTC) IN BLOCK 20C
\$
FCC USE ONLY

(18D) FCC CALL SIGN/OTHER ID
(20D) PAYMENT TYPE CODE (PTC)
(21D) QUANTITY
(22D) FEE DUE FOR (PTC) IN BLOCK 20D
\$
FCC USE ONLY

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

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(23) PAYER TIN
0 1 3 2 6 7 9 6 7 6
SECTION E - CERTIFICATION
APPLICANT TIN
0 5 2 1 9 5 8 6 4 7

(27) CERTIFICATION STATEMENT
I, Kathleen Greenan (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 *Kathleen Greenan*

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28) MASTERCARD/VISA ACCOUNT NUMBER:
MASTERCARD
VISA

EXPIRATION DATE:
MONTH YEAR

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

AUTHORIZED SIGNATURE

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)

⑈104680⑈ ⑆054001220⑆2030000061363⑈

[Handwritten Signature]

PAY TO THE ORDER OF

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE BANK OF THE STATE OF NEW YORK

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K STREET, N.W., SUITE 300
WASHINGTON, DC 20007

FIRST UNION
FIRST UNION NATIONAL BANK

15-122/540

NO.

0104680

DATE

AMOUNT

GENERAL ACCOUNT
TWO SIGNATURES REQUIRED ABOVE \$10,000