

Categories of Services for 214 Applications

(Streamlined)

Streamlined ITC-214-19990128-00050
INFOSAT COMMUNICATIONS, INC.

- 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: _____

FB1

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

APPROVED BY OMB

3060-0589

(1) LOCKBOX # 358115

PAGE NO. 1 OF 1-28 1999
RECEIVED
JAN 28 1999

SPECIAL USE
FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)
Infosat Communications, Inc.

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

(4) STREET ADDRESS LINE NO. 1
18 Fawcett Road

(5) STREET ADDRESS LINE NO. 2

(6) CITY
Coquitlam

(7) STATE
BC

(8) ZIP CODE
V3K 6X9

(9) DAYTIME TELEPHONE NUMBER (include area code)
(604) 524-3038

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

**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)

(12) STREET ADDRESS LINE NO. 1

(13) STREET ADDRESS LINE NO. 2

(14) CITY

(15) STATE

(16) ZIP CODE

(17) DAYTIME TELEPHONE NUMBER (include area code)

(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

(18A) FCC CALL SIGN/OTHER ID
New

(20A) PAYMENT TYPE CODE (PTC)
C U T

(21A) QUANTITY
1

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

FCC USE ONLY

(23A) FCC CODE 1

(24A) FCC CODE 2

(18B) FCC CALL SIGN/OTHER ID

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22B) FEE DUE FOR (PTC) IN BLOCK 20B

FCC USE ONLY

(23B) FCC CODE 1

(24B) FCC CODE 2

(18C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 20C

FCC USE ONLY

(23C) FCC CODE 1

(24C) FCC CODE 2

(18D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 20D

FCC USE ONLY

(23D) FCC CODE 1

(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN
0 9 8 0 1 9 8 6 4 4

(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IS DIFFERENT FROM PAYER NAME IN (A3)
APPLICANT TIN

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT
I, _____ (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 _____

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28) MASTERCHARGE/AMERICAN EXPRESS/AT&T/MASTERCARD
MASTERCHARGE/AMERICAN EXPRESS/AT&T/MASTERCARD

EXPIRATION DATE:
MONTH YEAR

(29) VISA

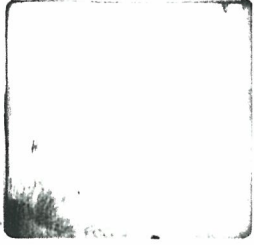
AUTHORIZED SIGNATURE

DATE

(If the service(s)/authorization(s) herein described,
for the service(s)/authorization(s) herein described.

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)



THIS DOCUMENT CONTAINS SECURITY FEATURES - SEE REVERSE

00062 2549001: 4600 285

Bank of Montreal
6240 - 97TH STREET TEL: (403) 441-3751
EDMONTON, ALBERTA T6E 3J6

PER [Signature]
PER [Signature]
NORSAT / INFOSAT

RE

US FUNDS DOLLARS

78000 / 100 \$ 780.00

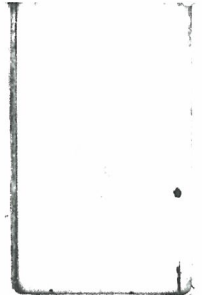
PAY TO THE ORDER OF FEDERAL COMMUNICATIONS COMMISSION

JAN 12 19 99

NORSAT / INFOSAT
#101, 16 FAWCETT RD.
COQUITLAM, B.C. V3K 6X9
Tel: (604) 524-3038

U.S. DOLLAR ACCOUNT

0622



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

In re Application of)
)
INFOSAT COMMUNICATIONS, INC.) FCC File No.)
)
for authority pursuant to Section 214)
of the Communications Act of 1934,)
as amended, for authority to)
provide facilities-based international)
communications services)

Application

Infosat Communications, Inc. (“Infosat”), 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, hereby requests: (i) global authority to provide facilities-based international communications services; and (ii) authority to operate as a resale carrier.

Infosat’s provision of international service will foster additional competition in the international telecommunications market, which will, in turn, benefit consumers by lowering prices and increasing the number of service options available in the market. Infosat submits, therefore, that grant of this application will serve the public interest, convenience and necessity.

Pursuant to Section 63.18 of the Commission’s rules, Infosat submits the following information in support of the instant application:

(a) The name, address, and telephone number of the applicant:

Infosat Communications, Inc.
101-16 Fawcett Road
Coquitlam, B.C. V3K 6X9
(604) 524-3038

(b) Infosat is incorporated under the laws of the State of Delaware.

(c) Correspondence relating to this application should be directed to:

Mr. Brian Nixon
President
Infosat Communications, Inc.
101-16 Fawcett Road
Coquitlam, B.C. V3K 6X9
(604) 524-3038

with a copy to:

Joseph A. Godles, Esq.
Goldberg, Godles, Wiener & Wright
1229 19th Street, N.W.
Washington, D.C. 20036
202-429-4900

(d) The Applicant has not previously received Section 214 authority. In a separate application, Infosat is requesting authority pursuant to Section 63.18(e)(6) of the Commission's rules to provide mobile satellite services using the Canadian-licensed MSAT-1 satellite.

(e) Infosat is requesting global Section 214 authority: (1) under Section 63.18(e)(1) of the Commission's rules to provide international basic switched, private line, data, television, and business services to all international points, except those on the FCC's exclusion list, using licensed U.S. facilities and necessary overseas connecting facilities; and (2) under Section 63.18(e)(2) of the Commission's Rules to operate as a resale carrier.

(f) N/A.

(g) This application does not involve any new construction and, therefore, it is categorically excluded from environmental processing pursuant to Section 1.1306 of the Commission's rules, 47 C.F.R. § 1.1306.

(h) Infosat's parent company, also named Infosat Communications, Inc., provides mobile satellite services in Canada via the Inmarsat and MSAT systems. As a result, this application is subject to the rules and policies set forth in the Foreign Participation Order, 12 FCC Rcd 23891 (1997). In that Order, the Commission adopted an open entry standard for applications from service suppliers in World Trade Organization ("WTO") members, such as Canada. "The Commission adopted a strong presumption" that entry by a carrier "from a WTO Member country does not pose competitive

concerns.” In the Matter of Stratos Mobile Networks (USA) LLC, ITC-98-287-TC, *et al.*, (rel. Aug. 5, 1998) ¶ 7. The Commission will grant applications subject to these new open entry policies expeditiously “in all but the exceptional case in which an application presents a very high risk to competition that cannot be addressed by imposing additional conditions on the authorizations.” Id. These open entry standards warrant grant of this application.

Infosat’s affiliate in Canada lacks sufficient market power on the Canadian end of the U.S./Canada route to affect competition adversely in the U.S. market. The affiliate does not own or control facilities in the international transport or local access markets. Rather, it provides Inmarsat services in Canada through an arrangement with Stratos, which owns the land earth stations accessed by Infosat, and also provides mobile satellite services via the MSAT-1 satellite through an arrangement with TML. Moreover, the affiliate has no capacity to discriminate against U.S. carriers, who are free to deal directly with Stratos and TML.¹ Finally, the affiliate’s share of the mobile satellite services market in Canada is well under 50%. Accordingly, Infosat should be classified as a non-dominant carrier.

Complete information concerning the name, address, citizenship, and principal business of Infosat’s ten percent or greater shareholders is set forth in Exhibit 1. Infosat has no interlocking directorates. Infosat does not propose to resell the international switched or private line services of any affiliated U.S. carriers.

- (i) Infosat hereby certifies that it: (1) 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 (2) will not enter into any such agreements in the future.
- (j) Infosat certifies that neither it nor any 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. § 862.
- (k) Infosat requests streamlined processing of this application pursuant to Sections 63.12(c)(1)(j) and 63.10(a)(3) of the Commission’s rules.

¹ Cf. Cruisehone, Inc., DA 94-1259 (Int’l Bur., Nov. 15, 1994) at ¶ 6 (Cruisehone’s affiliation with France Telecom did not give it the ability to discriminate against competing U.S. carriers in the provision of Inmarsat services).

As demonstrated in Paragraph (h), above, Infosat's foreign affiliates lack sufficient market power on the foreign end of their routes to affect competition adversely in the U.S. market.

Accordingly, and for the reasons stated above, Infosat submits that it is qualified to provide the services for which it requests authority herein, and that the public interest would be served by grant of this application.

Respectfully submitted,

INFOSAT COMMUNICATIONS, INC.

By:

Brian Nison

Print Name:

BRIAN NISON

Title:

PRESIDENT

Date:

JANUARY 8, 1999

Of Counsel

Joseph A. Godles, Esq.
Goldberg, Godles, Wiener & Wright
1229 19th Street, N.W.
Washington, D.C. 20036
202-429-4900

EXHIBIT 1

INFORMATION CONCERNING 10% OR GREATER SHAREHOLDERS²

<u>Name/Address</u>	<u>Citizenship</u>	<u>Principal Business</u>
J & S Hokanson Investments Edmonton, Alberta Canada	Canada	Holding company with investments in real estate and oil and gas interests
Nixon Capital Ltd. Coquitlam, British Columbia Canada	Canada	Holding Infosat stock
618445 Alberta Ltd. Edmonton, Alberta Canada	Canada	Holding Infosat stock
Nikel Investments Ltd. Edmonton, Alberta Canada	Canada	Holding Infosat stock

² The applicant, Infosat Communications, Inc., is a wholly-owned subsidiary of a Canadian company, also named Infosat Communications, Inc. The information shown concerns the ownership of the parent company.