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

		Des														₹		
		Description of Application:		INTERNATIONAL SPECIAL PROJECT	SUBMARINE CABLE LANDING LICENSE	TRANSFER OF CONTROL	SWITCHED RESALE SERVICE	INMARSAT AND MOBILE SATELLITE SERVICE	LIMITED GLOBAL RESALE SERVICE	LIMITED GLOBAL FACILITIES-BASED SERVICE	GLOBAL RESALE SERVICE	LIMITED GLOBAL FACILITIES-BASED SERVICE/LIMITED	INTERCONNECTED PRIVATE LINE RESALE SERVICE	INDIVIDUAL FACILITIES-BASED SERVICE	GLOBAL RESALE SERVICE	GLOBAL FACILITIES-BASED/GLOBAL RESALE SERVICE	GLOBAL FACILITIES-BASED SERVICE	ASSIGNMENT OF LICENSE

73

READ INSTRUCTIONS CAREFULLY	APPROVED BY OMB 3060.0689
BEFORE PROCEEDING	REMITTANCE ADVICE SPECIAL USE SPECIAL USE SPECIAL USE SPECIAL USE SPECIAL USE SPECIAL USE
(1) LOCKBOX # 358115	PAGE NO. 1 OF 1 FCC/ME FCC USE ONLY
SE(2) PAYER NAME(If paying by credit card, enter name exactly as it appears on y Swidler Berlin Shereff Friedman, LLP	SECTION A - PAYER INFORMATION (3) TOTAL AMOUNT PAID (dollars and cents) (20) TOTAL AMOUNT PAID (dollars and cents) (31) LLP
3000 K Street, NW	
(3) STREET ADDRESS LINE NO. 2 Suite 300	
Washington	(0) ZIP CODE 20007-5116
(9) DAYTIME TELEPHONE NUMBER (Include area code) 202-424-7500	(10) COUNTRY CODE (if not in U.S.A.)
IF PAYER NAME AND T IF MORE THAN ON	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. KD Associates, Inc.	appears on your card)
12) STREET ADDRESS LINE NO. 1 110240 Waples Mills Road 110 STREET ADDRESS LINE NO. 2	
Suite 403	(15) STATE (15) ZIP CODE
(703) 691-0330	(18) COUNTRY CODE (I not in U.S.A.)
194) FCC CALL SIGNOTHER ID (20A) PAYMENT TYPE CODE (PTC) (21A) QUANTITY	SECTION C - PAYMENT INFORMATION PE CODE (PTC) (22A) FEE DUE FOR (PTC) IN BLOCK 20A FCC USE ONLY T
	(24A) FCC CODE 2
19B) FCC CALL SIGNOTHER ID (20B) PAYMENT TYP	PE CODE (PTC) (218) QUANTITY (228) FEE DUE FOR (PTC) IN BLOCK 208 FCC USE ONLY
23B) FCC CODE 1	(24B) FCC CODE 2
19C) FCC CALL SIGNOTHER ID (20C) PAYMENT TYP 23C) FCC CODE 1	PE CODE (PTC) (210) QUANTITY (220) FEE DUE FOR (PTC) IN BLOCK 200 FCC USE ONLY (240) FCC CODE 2
19D) FCC CALL SIGNOTHER ID (20D) PAYMENT TYPE	PE CODE (PTC) (210) QUANTITY (220) FEE DUE FOR (PTC) IN BLOCK 200 FCC USE ONLY
23D) FCC CODE 1	(24D) FCC CODE 2
SECTION D-	TAXPAYER INFORMATION (REQUIRED)
AYER TIN 1 3 - 2 6	
27) CERTIFICATION STATEMENT RACHEL D. Flam	SECTION E - CERTIFICATION
), (PRINT NAME) 3re true and correct to the best of my kno	are true and correct to the best of my knowledge, infomation and belief. SIGNATURE
SECTION F MASTERCARDAISA ACCOUNT NUMBER:	SECTION F - CREDIT CARD PAYMENT INFORMATION (EXPIRATION DATE:
MASTERCARD	MONTH YEAR
VISA I hereby authorize the FCC to charge my VISA or MASTERCARD	AUTHORIZED SIGNATURE
for the service(s)/authorizations(s) herein described.	

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

3000 K STREET, NW, SUITE 300 WASHINGTON, DC 20007-5116 TELEPHONE (202) 424-7500 FACSIMILE (202) 424-7645 WWW.SWIDLAW.COM

New York Office 919 Third Avenue New York, NY 10022-9998 (212) 758-9500 fax (212) 758-9526

February 22, 1999

VIA OVERNIGHT DELIVERY

Federal Communications Commission
International Bureau Telecommunications Division
P.O. Box 358115

Dittaburah DA 15251 5115

Pittsburgh, PA 15251-5115

Attention: Troy Tanner, Chief, Policy and Facilities Branch, International Bureau

Re KD Associates, Inc.'s Application Pursuant to Section 214 of the Communications Act of International Resale Carrier 1934, as amended, for Global Authority to Operate as an International Facilities-Based and

Dear Sir or Madam:

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

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. As required by the Commission's Rules, a check in the amount of \$780.00 is enclosed. Please

Respectfully submitted,

Rachel D. Flam

Counsel for KD Associates, Inc.

Enclosures

cc: Trevor Dearman

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

APPLICATION

to 47 C.F.R. § 63.12, this application is eligible for streamlined processing. international telecommunications services market and is, therefore, in the public interest. Pursuant excluded by the Exclusion List, where applicable). Grant of KD Associates' request will directly authority pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, further the Commission's policies of bringing increased competition to the United States telecommunications services between the United States and international points (other than those and Section 63.18 of the Commission's Rules, 47 C.F.R. § 63.18 (1996), to provide international KD Associates, Inc. ("KD Associates"), by its undersigned counsel, hereby requests "global"

Information Required under Section 63.18

As required by Section 63.18 of the Commission's Rules, KD Associates submits the follow-

ing information:

(a) Name, address and telephone number:

KD Associates, Inc. 11240 Waples Mill Road Suite 403 Fairfax, Virginia 22030 Telephone: (703) 691-0330

- **(b)** KD Associates is a corporation organized under the laws of the State of Delaware
- <u>O</u> Correspondence concerning this application should be sent to:

Rachel D. Flam
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Telephone: (202) 424-7500
Facsimile: (202) 424-7645

with a copy to:

Trevor Dearman, Chief Executive Officer KD Associates, Inc.
11240 Waples Mill Road
Suite 403
Fairfax, Virginia 22030
Telephone: (703) 691-0330

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

- (e) to be provided.3/ services on all international routes on which the Commission permits such services switched network ("PSN") at one or both ends to provide international switched C.F.R. § 63.18(e)(2), to resell international private lines interconnected to the public points; and (4) authority pursuant to Section 63.18(e)(2) of the FCC's Rules, 47 interconnected private line services between the United States and all international 63.18(e)(2), to resell international private lines to provide international nonglobal authority pursuant to Section 63.18(e)(2) of the FCC's rules, 47 C.F.R.§ between the United States and all international points served by those carriers; (3) with market power on a particular route, to provide international switched services services of all United States-authorized carriers, other than those affiliated carriers of the FCC's Rules, 47 C.F.R. § 63.18(e)(2), to resell the international switched excluded by the Exclusion List; 2 (2) global authority pursuant to Section 63.18(e)(2) between the United States and all international points except those countries necessary connecting facilities to provide international telecommunications services 63.18(e)(1), to acquire interests in United States-authorized facilities as well as based authority pursuant to Section 63.18(e)(1) of the FCC's Rules, 47 C.F.R. § streamlined processing. From Specifically KD Associates requests: (1) global facilities-KD Associates hereby requests four types of authority, all of which are eligible for
- 9 KD Associates seeks authority to provide only services referenced under paragraph (e) of Section 63.18 of the Commission's Rules

Nov. 27, 1997) ("Foreign Market Participation Order"). Market, IB Docket 97-142, Report and Order on Reconsideration, FCC 97-398 at ¶¶ 21, 322-29 (rel. (1996); see also Rules and Policies on Foreign Market Participation in the U.S. Telecommunications procedures for certain international resale applications) ("Streamlining Order"); 47 C.F.R. § 63.12 Docket No. 95-118, FCC 96-79 (released March 13, 1996) (adopting streamlined 35-day processing See Streamlining the International 214 Authorization Process and Tariff Requirements, IB

Exclusion List. KD Associates seeks only authority to own circuits on facilities not excluded by the

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

- (g) purposes of this application and is therefore not attached. 47 C.F.R. § 1.1306. environmental processing as defined by Section 1.1306 of the Commission's Rules. The authority requested in this application is categorically excluded As such, an environmental assessment is not required for from
- (h) carriers, within the meaning of Section 63.18(h), 47 C.F.R. § 63.18(h), of the carriers whose facilities-based services it proposes to resell or with any foreign KD Associates certifies that it is not affiliated with any dominant United States Commission's rules.

KD Associates' interlocking directorates are reflected in Attachment A, appended

indirect shareholder or other equity interest in KD Associates: The following individuals and entities hold a ten percent (10%) or greater direct or

Name: Calabria Limited Address: 227 Clinch's House

Lord Street Douglas

Isle of Man IM99IRZ

Citizenship: Isle of Man

Principal Business: Telecommunications

indirect shareholder or other equity interest in Calabria: The following individuals and entities hold a ten percent (10%) or greater direct or

Name: Kardan International B.V.

Address: Prins Hendriklaan 18

1075 BC Amsterdam, The Netherlands

Citizenship: Netherlands Principal Business: Investment

indirect shareholder or other equity interest in Kardan International B.V.: The following individuals and entities hold a ten percent (10%) or greater direct or

Name: Kardan Ltd.

Address: 154 Petach Tikva Road

Tel Aviv, Israel

Citizenship: Israel

Principal Business: Investment

indirect shareholder or other equity interest in Kardan Ltd.: The following individuals and entities hold a ten percent (10%) or greater direct or

Name: Talladium Holdings (1987) Ltd.

Address: 154 Petach Tikva Road

Tel Aviv, Israel

Citizenship: Israel

Principal Business: Investment

indirect shareholder or other equity interest in Talladium Holdings (1987) Ltd.: The following individuals and entities hold a ten percent (10%) or greater direct or

Name: Talromit Ltd.

Address: 154 Petach Tikva Road

Tel Aviv, Israel

Citizenship: Israel

Principal Business: Investment

Name: Raytheon Ltd.

Address:

Tel Aviv, Israel

154 Petach Tikva Road

Citizenship: Israel

Principal Business: Investment

or indirect shareholder or other equity interest in Talromit Ltd.: The following individuals and entities hold a ten percent (10%) or greater direct

Name: Yosef Grunfeld

Address: 13 Bodenheimer Street

Tel Aviv, Israel

Citizenship: Israel

Principal Business: Investment

indirect shareholder or other equity interest in Raytheon Ltd.: The following individuals and entities hold a ten percent (10%) or greater direct or

Name: Avner Schnur

Address: 4 Hatzabar Street

Savyon, Israel

Citizenship: Belgium, Israel

Principal Business: Diamond Processing and Trading

 (Ξ) between the United States and any foreign country which it is or may be authorized any special concessions, as defined by the Commission's Rules, directly or indirectly Pursuant to Section 63.18(i) of the Commission's Rules, 47 C.F.R. § 63.18(i), from any foreign carrier or administration with respect to traffic or revenue flows KD Associates certifies that it has not agreed to accept nor shall it accept in the future

to serve.

- 9 the Commission's Rules (implementing the Anti-Drug Abuse Act of 1988, 21 U.S.C of the Anti-Drug Abuse Act of 1988. A certification pursuant to Section 1.2002 of § 3301) is attached. KD Associates is not subject to a denial of Federal benefits pursuant to Section 5301
- $\stackrel{\textstyle \stackrel{}}{\textstyle \times}$ dominant United States carriers whose international services it will resell; nor is KD is, accordingly, eligible for streamlined processing. 5/ Associates affiliated with any foreign carriers with market power. This application Commission's Rules and the Commission's recent revisions of Part 63,4 with any KD Associates is not affiliated, as that term is defined by Part 63 of the

^{3873 (1995).} Market Entry and Regulation of Foreign-affiliated Entities, Report & Order, 11 FCC Rcd

See Streamlining Order; 47 C.F.R. § 63.12 (1996).

CONCLUSION

interest, convenience and necessity would be furthered by a grant of this Section 214 application. For the reasons stated above, KD Associates, Inc. respectfully submits that the public

Respectfully submitted,

By: Rachel D: Flam

Swidler Berlin Shereff Friedman, LLP

3000 K Street, N.W., Suite 300

Washington, D.C. 20007

Tel: (202) 424-7500

Fax: (202) 424-7645

Its Counsel

Dated: February 22, 1999

CERTIFICATION OF APPLICANT

is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Commission's Rules, 47 C.F.R. §§ 1.2001-1.2003, I hereby certify that no party to this application knowledge and are made in good faith. foregoing Application for Section 214 authority are true, complete, and correct to the best of my Anti-Drug Abuse Act of 1988. See 21 U.S.C. § 853a. I also hereby certify that the statements in the On behalf of KD Associates, Inc., and in accordance with Section 1.2001-1.2003 of the

or administration with respect to traffic or revenue flows on any U.S. international route where the concessions, as defined by the Commission's Rules, directly or indirectly from any foreign carrier competition adversely in the U.S. market. foreign carrier possesses sufficient market power on the foreign end of the route to affect KD Associates, Inc. has not agreed to accept nor shall it accept in the future any special

Date:	Title:	Name:	Ву:	

KD ASSOCIATES, INC.

INTERLOCKING DIRECTORATE REPORT of KD ASSOCIATES, INC.

Interlocking Office/Director	Title/Position	Companies
Holger Dietze	Director	KD Associates, Inc.
	Chairman of the Board, Chief Executive Officer, President	Denwa Communications, Inc.
	Director, Chief Executive Officer	IFC Global
	Chief Executive Officer, President	Iredell Data Communications
Trevor Dearman	Director, Chief Executive Officer	KD Associates, Inc.
	Chief Operating Officer	Denwa Communications, Inc. Iredell Data Communications
Lijun Niu	Director, President	KD Associates, Inc.
	Chief Technical Officer	Denwa Communications, Inc. Iredell Data Communications