

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: _____

COPY

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

In re Application of)	
)	
)	
In Touch Communications, Inc..)	File No. _____
)	
Application for Authorization Pursuant)	
to Section 214 of the Communications Act)	
of 1934, As Amended, to Operate as an)	
International Carrier)	

APPLICATION

In Touch Communications, Inc. ("In Touch"), by its attorneys, hereby applies for authority pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.18 of the Federal Communications Commission's ("Commission") Rules, 47 C.F.R. § 63.18, to provide international communications services in the United States by reselling services of Commission authorized carriers to all international points served by those carriers. Specifically, In Touch seeks global Section 214 authority to resell all forms of international communications services permitted under and pursuant to the terms and conditions of 47 C.F.R. § 63.18(e)(2).¹ Additionally, In Touch seeks Section 214 authority to resell private line services to all countries that are subsequently determined by the International Bureau of the Commission to provide equivalent resale opportunities. In Touch requests streamlined processing under the Commission's international Section 214 rules.¹

¹ *Streamlining the International Section 214 Authorization Process and Tariff Requirements*, Report and Order, 11 FCC Red 12884 (1996).

In Touch submits that present and future public convenience and necessity warrant the grant of this application. Grant of this application will promote competition in international telecommunications services that will provide additional consumer choices and likely decrease consumer prices. Grant of this authorization is supported by the Commission's Policy Statement on international accounting rate reform which confirms that international resale is in the public interest.² Furthermore, authorizing In Touch to resell international switched services is consistent with the Congressional and Commission goals of promoting competition in international telecommunications.³

SECTION 63.18 STATEMENT

In support of this request for authorization, In Touch provides the following information as required by 47 C.F.R. § 63.18. The identifying letters and numerals here correspond to the subsections of 47 C.F.R. § 63.18.

- a) The applicant seeking Section 214 authorization is:

In Touch Communications, Inc.
13766 Alton Parkway
Suite 150
Irvine, California 92618
Phone Number: 949.588.9900

- b) Applicant is organized under the laws of the State of California.

² Policy Statement on International Accounting Rate Reform, 11 FCC Rcd 3146 (1996).

³ *Regulation of International Accounting Rates*, Report and Order, 7 FCC Rcd 559 (1991). The Commission recognized that resale of international telecommunications services would provide public benefits by increasing competition, reducing prices for telecommunications services and eliminating the possibility of price discrimination. *Id.* at para. 8; *see also*, *Regulation of International Accounting Rates*, Fourth Report and Order, FCC 96-459, CC Docket 90-337, at para. 8 (released Dec. 3, 1996). “Our fundamental goal is to create a competitive market for international telecommunications services.”

- c) Correspondence regarding this application should be directed to:

Jeffrey A. Henning
Chief Executive Officer
In Touch Communications, Inc..
13766 Alton Parkway, Suite 150
Irvine, California 92618
Phone Number: 949.588.9900

AND

Glenn B. Manishin
Blumenfeld & Cohen
1615 M Street, NW, Suite 700
Washington, DC 20036
Phone Number: 202.955.6300

- d) In Touch has not previously received authority to provide telecommunications services under Section 214 of the Act.
- e) In Touch is requesting Section 214 authority to operate as a resale carrier pursuant to the terms and conditions of 47 C.F.R. § 63.18(e)(2).
- f) Not Applicable.
- g) Not Applicable. This requirement is not applicable because In Touch is not seeking facilities-based authority under 47 C.F.R. § 63.18(e)(6).
- h) In Touch does not have an affiliation with a foreign carrier as defined under 47 C.F.R. § 63.18(h).
- (1) Not Applicable. This requirement is not applicable because In Touch is not affiliated with a foreign carrier.
- (2) The name, address, citizenship and principal business of each of the ten percent or greater direct and indirect shareholders or other equity holders of In Touch are:

Name: Jeffrey A. Henning
Address: 13766 Alton Parkway, Suite 150
Irvine, CA 92618
Citizenship: United States of America
Principal Business: Telecommunications

Name: Steven V. Harrison
Address: 13766 Alton Parkway, Suite 150
Irvine, CA 92618
Citizenship: United States of America
Principal Business: Telecommunications

Name: Edgewater Private Equity Fund III, L.P.
Address: 660 Newport Center
Newport Beach, CA 92660
Organization: United States Limited Partnership
Principal Business: Venture Capital

(3) In Touch is not affiliated with the carriers whose facilities-based services they propose to resell.

(4) Not Applicable. This requirement is not applicable because In Touch is not affiliated with a foreign carrier.

(5) In Touch will notify the Commission as required, pursuant to 47 C.F.R. § 63.18(h)(5), as to changes in its business, should they occur, that are regulated under 47 C.F.R.

§§ 63.18(h)(3)-(4).

(6) Not Applicable. This requirement is not applicable because In Touch does not seek to operate as a facilities-based international carrier.

(7) Not Applicable. This requirement is not applicable because In Touch is not affiliated with a foreign carrier.

(8) Not Applicable. This requirement is not applicable because In Touch is not affiliated with a foreign carrier.

(i) In Touch certifies that it has not agreed to accept special concessions, as defined in 47 C.F.R. §§ 63.18(i), directly or indirectly from any foreign carriers or administration with respect to traffic or revenue flows between the U.S. and any foreign country which In Touch may serve under the authority granted under this part and will not enter into such agreements in the future.

(j) In Touch certifies that, to the best of its knowledge, information and belief, no party to the application is subject to a denial of Federal Benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

CONCLUSION

As demonstrated in this application, In Touch is legally, financially and technically qualified to provide the services for which it requests authority. For the reasons stated above, In Touch submits that the public interest, convenience and necessity would be furthered by a grant of this Section 214 authorization. The requested authorization should therefore be issued to In Touch for the purpose of reselling international telecommunications services between the United States and international locations.

Respectfully submitted,

By: 
Glenn B. Manishin

Blumenfeld & Cohen - Technology Law Group
1615 M Street, N.W., Suite 700
Washington, D.C. 20036
202.955.6300
202.955.6460 fax

Counsel for In Touch Communications, Inc.

Dated: March 2, 1999

CERTIFICATION OF APPLICANT

(1) I hereby certify that the statements in the foregoing application of In Touch Communications, Inc. for Section 214 authority are true, complete and correct to the best of my knowledge and are made in good faith.

(2) No party to this application, as defined in 47 C.F.R. § 1.202(b), 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.

In Touch Communications, Inc..

By: 

Name: Jeffrey A. Henning

Title: Chief Executive Officer

Date: March 2, 1999

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March 26, 1999

Ms. Fran Ivanstadt
Federal Communications Commission
Facsimile Number: 202-418-2824

PTA FACSIMILE

Re: In Touch Communications, Inc. Application for Authorization Pursuant to Section
214 of the Communications Act of 1934, As Amended to Operate as an
International Carrier.

Dear Ms. Ivanstadt:

This letter provides the clarification that you requested regarding the Section 214 application of In Touch Communications, Inc. ("In Touch"). You inquired as to whether any partners in the Edgewater Private Equity Fund III, L.P. had a ten percent or greater interest in In Touch. No partner of the Edgewater Private Equity Fund III, L.P. has a greater than ten percent interest in In Touch. If you have any questions, please contact Glenn Manishin or me at 202-955-6300. Thank you for your assistance.

Sincerely,



Michael D. Specht
Counsel for In Touch Communications, Inc.