

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

- 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: \_\_\_\_\_

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**HOWREY & SIMON**

Attorneys at Law  
1299 Pennsylvania Ave., NW  
Washington, DC 20004-2402  
(202) 783-0800  
FAX (202) 383-6610

March 10, 1999

**VIA COURIER**

FCC/MELLON  
MAR 19 1999

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

Attention: Rebecca Arbogaste, Division Chief

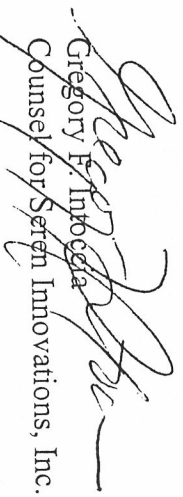
Re: Application of Seren Innovations, Inc. for Global Authority Pursuant  
to Section 214 of the Communications Act of 1934, as amended, to  
Operate as an International Resale Carrier

Dear Sir or Madam:

Enclosed for filing with the Commission are an original and six (6) copies of the application of Seren Innovations, Inc., requesting global authority, pursuant to Section 214 of the Communications Act of 1934, as amended, to operate as an international resale carrier between the United States and various international points. We request that the application be processed under streamlined procedures.

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,

  
Gregory F. Imbrogna  
Counsel for Seren Innovations, Inc.

Enclosures



authority pursuant to Section 63.18(e)(2) of the Commission's Rules, 47 C.F.R. § 63.18(e)(2), to resell the international switched services of all U.S.-authorized carriers, other than those affiliated carriers with market power on a particular route, to provide international switched services between the United States and all international points served by those carriers; (2) global authority pursuant to Section 63.18(e)(2) of the Commission'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 (3) authority pursuant to Section 63.18(e)(2) of the Commission's Rules, 47 C.F.R. § 63.18(e)(2), to resell international private lines interconnected to the public switched telephone network ("PSTN") at one or both ends to provide international switched services on all international routes on which the Commission permits such services to be provided.<sup>2</sup> Because Applicant does not (i) have an affiliation with any dominant U.S. carrier whose international services it intends to resell, (ii) have an affiliation with any foreign carrier, (iii) seek to serve countries in which an affiliate has market power, (iv) seek authority to use facilities on the Commission's Exclusion List, or (v) seek

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<sup>2</sup> The Commission automatically amends 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. *See Streamlining Order* at 12899. *Cf. Foreign Market Participation Order* at 23904-31 (indicating that, upon the effective date of the Commission's new rules, carriers reselling international private lines interconnected to the PSTN to provide international switched services between the U.S. and World Trade Organization Member countries will no longer have to meet the equivalency test if settlement rates for at least 50 percent of the U.S. billed traffic on the route or routes in question are at or below the relevant benchmark posted in



global facilities-based authority pursuant to Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1), to provide international telecommunications services between the United States and countries excluded by the Exclusion List, this application for authority pursuant to Section 214 is eligible for streamlined processing.<sup>3</sup>

The added competition that Seren's entry will bring to the market will increase availability of a variety of international services and competition, thus benefiting consumers in the United States. A grant of this application will, therefore, further the public interest.

## II. The Applicant

Seren is a U.S. telecommunications carrier, a company organized under the laws of the State of Minnesota. Seren is a wholly-owned subsidiary of Northern States Power Company, a company organized under the laws of the State of Minnesota. Seren is not affiliated with any foreign common carrier.

As indicated above, Applicant is not affiliated, as that term is defined by Part 63 of the Commission's Rules and the Commission's revisions of Part 63,<sup>4</sup> with any dominant U.S. carrier whose international services Applicant will resell. Applicant does not seek to serve any country in which it has a facilities-based affiliate with

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the Commission's *Benchmarks Order*). *Cf. also International Settlement Rates, Report and Order*, 12 FCC Rcd 19806 (1997) ("*Benchmarks Order*").

<sup>3</sup> See *Streamlining Order*, 47 C.F.R. § 63.12 (1996).

<sup>4</sup> *Market Entry and Regulations of Foreign-affiliated Entities, Report & Order*, 11 FCC Rcd 3873 (1995) ("*Market Entry Order*").

market power, and Applicant is not affiliated with any foreign common carrier. Moreover, Applicant does not seek authority to use facilities on the Commission's Exclusion List; nor does Applicant seek global facilities-based authority pursuant to Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1), to provide international telecommunications services between the United States and countries excluded by the Exclusion List. Therefore, the Applicant should be classified as a non-dominant carrier for the provision of the services for which authority is requested in this application, and this application should be afforded streamlined processing.

### III. Public Interest Considerations

In the *Market Entry Order*, the Commission enunciated the following 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 communication markets.<sup>5</sup> The Commission also declared that “establishing an effectively competitive global communications market could result in reduced rates, increased quality, and new innovative services.”<sup>6</sup> 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,

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<sup>5</sup> *Id.* at 3877.

<sup>6</sup> *Id.*



worldwide wire and radio communication service with adequate facilities at reasonable charges.”<sup>7</sup>

Grant of Applicant’s request for 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, Seren provides the following information:

- (a) Name, address and telephone number of Applicant:  
Seren Innovations, Inc.  
15 South 5<sup>th</sup> Street  
Suite 500  
Minneapolis, MN 55402  
1-800-550-6238
- (b) Seren is a company organized under the laws of the state of Minnesota.
- (c) Correspondence concerning this application should be sent to:  
James W. Olson, Esq.  
Howrey & Simon  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2402  
Telephone Number: (202) 783-0800  
Facsimile Number: (202) 383-6610  
with a copy to:

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<sup>7</sup> *Id.*

- (d) Peter M. Glass  
General Counsel  
Seren Innovations, Inc.  
19 South 5<sup>th</sup> St Suite 840  
Minneapolis, MN 55402  
Telephone Number: (612) 330-6648
- (e) Applicant has not previously asked for, nor has it received, authority under Section 214 of the Act.
- (f) Upon grant of this application, Applicant will become an authorized non-dominant carrier and reseller with global authority, subject to Section 214 of the Communications Act of 1934, as amended, and the Commission's Rules. Applicant lacks the market power that would allow it to control prices to the detriment of market competition.
- (g) Applicant requests Section 214 authority to operate as a resale carrier pursuant to the terms and conditions of Section 63.18(e)(2). Specifically, Applicant seeks (1) 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, other than those affiliated carriers with market power on a particular route, to provide international switched services between the United States and all international points served by those carriers; (2) global authority pursuant to Section 63.18(e)(2) of the Commission'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 (3) authority pursuant to Section 63.18(e)(2) of the Commission's Rules, 47 C.F.R. § 63.18(e)(2), to resell international private lines interconnected to the PSTN at one or both ends to provide international switched services on all international routes on which the Commission permits such services to be provided.
- (h) Applicant seeks authority to provide only services referenced under paragraph (e)(2) of Section 63.18 of the Commission's Rules.
- (i) An environmental assessment is not required for purposes of this application.
- (j) The Applicant is not affiliated with any foreign carrier, within the meaning of Section 63.18(h), 47 C.F.R. § 63.18(h), of the Commission's rules. Applicant is not affiliated, within the meaning of Section 63.18(h), *id.*, with any dominant U.S. carrier whose facilities-based services it may propose to resell.
- (k) Applicant has no interlocking directorates to identify.
- (l) Applicant is a wholly-owned subsidiary of Northern States Power Company ("NSP"), 414 Nicollet Mall, Minneapolis, MN 55401. NSP is organized under the



laws of Minnesota. NSP is a U.S. utility whose principal business is providing electricity and natural gas to customers in Minnesota, Wisconsin, North Dakota, South Dakota and Michigan. With reference to paragraph (h)(2) of Section 63.18 of the Commission's Rules, there are no individuals that hold a ten percent (10%) or greater, direct or indirect shareholder or other equity interest in Applicant.

(m) As required by Section 63.18(i) of the Commission's Rules, 47 C.F.R. § 63.18(i) and reflected in the enclosed attachment, Applicant 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 that Applicant may be authorized to serve.

(n) Applicant is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. A certification pursuant to Section 1.2002 of the Commission's Rules for Applicant is attached.

(o) Applicant is not affiliated, as that term is defined by Part 63 of the Commission's Rules and the Commission's revisions of Part 63,<sup>8</sup> with any dominant U.S. carrier whose international services it may propose to resell. Applicant does not seek to serve any country in which it has a facilities-based affiliate with market power. Applicant should, therefore, be classified as a non-dominant carrier for the provision of the services for which authority is requested in this application. Moreover, Applicant does not seek authority to use facilities on the Exclusion List; nor does Applicant seek 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 provide international telecommunications services between the United States and countries excluded by the Exclusion List. This application is, accordingly, eligible for streamlined processing.

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<sup>8</sup> See *Market Entry Order*.

CONCLUSION

For the reasons stated above, the public interest, convenience and necessity would be furthered by a grant of this Section 214 application. Accordingly, Seren Innovations, Inc. requests that the application be granted.

Respectfully submitted,



James W. Olson

Gregory F. Intoccia  
Howrey & Simon  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2402  
Telephone Number: (202) 783-0800  
Facsimile Number: (202) 383-6610

Counsel for Seren Innovations, Inc.

Dated: March 10, 1999




CERTIFICATION OF APPLICANT

On behalf of Seren Innovations, Inc. ("Seren"), 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 pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853(a). I also hereby certify that the statements in the foregoing application for authority pursuant to Section 214 of the Act, as Amended, 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, Seren has not agreed to accept any 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.

Seren is not affiliated with any foreign carrier, within the meaning of Section 63.18(h) of the Commission's rules, 47 C.F.R. § 63.18(h). Seren also is not affiliated, within the meaning of Section 63.18(h), 47 C.F.R. § 63.18(h), with any dominant U.S. carrier whose facilities-based services it may propose to resell.

Seren Innovations, Inc.

By:   
Name: Glynis Hinschberger  
Title: President and Chief Executive Officer  
Date: 3/9/99

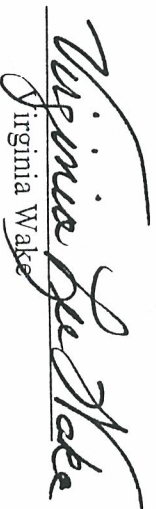
CERTIFICATE OF SERVICE

I, Virginia Wake, a secretary in the law office of Howrey & Simon, do hereby certify that I have on this 10<sup>th</sup> day of March, 1999 sent by first class United States mail, copies of the foregoing **APPLICATION** for Section 214 Authorization to the following:

Secretary of Defense  
Attention: Special Assistant for  
Telecommunications  
Pentagon  
Washington, D.C. 20301

Secretary Madeleine Albright  
Department of State  
2201 C Street, N.W., 7<sup>th</sup> Floor  
Washington, D.C. 20520

George S. Li, Deputy Division Chief  
Telecommunications Division  
International Bureau  
Federal Communications Commission  
2000 M Street, N.W., Room 800  
Washington, D.C. 20554

  
Virginia Wake



DO NOT ACCEPT THIS CHECK WITHOUT THE ARTIFICIAL WATERMARK ON THE REVERSE SIDE. HOLD AT ANGLE TO VIEW.

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1299 PENNSYLVANIA AVENUE, NW  
WASHINGTON, D.C. 20004-2402

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March 19, 1999

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COMMISSION

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⑈ 307239 ⑈ ⑆ 254070116 ⑆ ⑈ 3740 1483 ⑈

DETACH AND RETAIN THIS STATEMENT. THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW. IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

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Invoice: 06363.0002 03/19/99 Amount: 780.00



