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

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| | | 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 |
| | | | | | | | | | | | | | | | | | | |

HOWREY & SIMON

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

March 10, 1999

ALIA 19

VIA COURIER

A COMPANY

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:

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

stamped envelope. Please date-stamp the extra copy of this application and return it in the enclosed self-addressed, undersigned. As required by the Commission's Rules, a check in the amount of \$780.00 is enclosed. Any questions regarding the enclosed application should be addressed to the

Respectfully submitted,

Counsel for Seren Innovations, Inc.

Enclosures

Silicon Valley

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

| Application Pursuant to Section 214 of the) Communications Act of 1934, as amended, for) Global Authority to Operate as an) International Resale Carrier | Seren Innovations, Inc.) File No. ITC | In the Matter of) | |
|---|--|--------------------|--|
|---|--|--------------------|--|

APPLICATION

the Commission's Rules, 47 C.F.R. § 63.18 (1998), to provide resold international hereby requests "global" authority, under Section 214 of the Communications Act of streamlined processing. indicated herein. Pursuant to 47 C.F.R. § 63.12, this application is eligible for telecommunications services between the United States and international points, as 1934, as amended, 47 U.S.C. § 214 ("Section 214 of the Act"), and Section 63.18 of Seren Innovations, Inc. ("Seren" or "Applicant"), by its undersigned counsel,

I. The Proposed International Services

eligible for streamlined processing. 1 Applicant specifically requests (1) global Seren requests three types of authority in this application, all of which are

Participation in the U.S. Telecommunications Market, Report and Order on procedures for certain international resale applications) ("Streamlining Order"); 47 Requirements, 11 FCC Rcd 12884 (1996) (adopting streamlined 35-day processing C.F.R. § 63.12(a) (1998); see also Rules and Policies on Foreign Market Reconsideration, 12 FCC Rcd 23891, 24034 (1997)("Foreign Market Participation See Streamlining the International 214 Authorization Process and Tariff

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

interconnected to the PSTN to provide international switched services between the date of the Commission's new rules, carriers reselling international private lines becomes permitted by the Commission. See Streamlining Order at 12899. services between the United States and other countries, as provision of such services permit carriers to resell international private lines to provide international switched Foreign Market Participation Order at 23904-31 (indicating that, upon the effective on the route or routes in question are at or below the relevant benchmark posted in the equivalency test if settlement rates for at least 50 percent of the U.S. billed traffic U.S. and World Trade Organization Member countries will no longer have to meet The Commission automatically amends all Section 214 authorizations to

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

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

II. The Applicant

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

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

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

³ See Streamlining Order, 47 C.F.R. § 63.12 (1996).

¹¹ FCC Rcd 3873 (1995) ("Market Entry Order"). Market Entry and Regulations of Foreign-affiliated Entities, Report & Order,

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

III. Public Interest Considerations

effective competition in the U.S. telecommunications market, particularly the market governments to open their communication markets.⁵ The Commission also declared the provision of international services or facilities; and to encourage foreign for international telecommunications services; to prevent anticompetitive conduct in for its regulation of the U.S. international telecommunications market: to promote interest and the Commission's paramount goal of making available a rapid, efficient, the Commission found that "effective competition directly advances the public result in reduced rates, increased quality, and new innovative services."6 that "establishing an effectively competitive global communications market could In the Market Entry Order, the Commission enunciated the following goals In addition,

⁵ *Id.* at 3877.

⁶ *Id.*

reasonable charges."7 worldwide wire and radio communication service with adequate facilities at

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

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 5th Street Suite 500 Minneapolis, MN 55402 1-800-550-6238

- <u>G</u> 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:

Id.

- (d) Peter M. Glass
 General Counsel
 Seren Innovations, Inc.
 19 South 5th 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) carrier and reseller with global authority, subject to Section 214 of the lacks the market power that would allow it to control prices to the detriment of Communications Act of 1934, as amended, and the Commission's Rules. Applicant Upon grant of this application, Applicant will become an authorized non-dominant market competition.
- (9) private lines to provide international non-interconnected private line services 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2), to resell international international points served by those carriers; (2) global authority pursuant to Section to provide international switched services between the United States and all carriers, other than those affiliated carriers with market power on a particular route, 63.18(e)(2), to resell the international switched services of all U.S.-authorized authority pursuant to Section 63.18(e)(2) of the FCC's Rules, 47 C.F.R. § terms and conditions of Section 63.18(e)(2). Specifically, Applicant seeks (1) global Applicant requests Section 214 authority to operate as a resale carrier pursuant to the permits such services to be provided. international switched services on all international routes on which the Commission international private lines interconnected to the PSTN at one or both ends to provide Section 63.18(e)(2) of the Commission's Rules, 47 C.F.R. § 63.18(e)(2), to resell between the United States and all international points; and (3) authority pursuant to
- (E) Applicant seeks authority to provide only services referenced under paragraph (e)(2) of Section 63.18 of the Commission's Rules.
- Ξ An environmental assessment is not required for purposes of this application
- 9 carrier whose facilities-based services it may propose to resell. affiliated, within the meaning of Section 63.18(h), id., with any dominant U.S Section 63.18(h), 47 C.F.R. § 63.18(h), of the Commission's rules. Applicant is not The Applicant is not affiliated with any foreign carrier, within the meaning of
- (k) Applicant has no interlocking directorates to identify.
- Ξ ("NSP"), 414 Nicollet Mall, Minneapolis, MN 55401. NSP is organized under the Applicant is a wholly-owned subsidiary of Northern States Power Company

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

- (B) authorized to serve. or revenue flows between the U.S. and any foreign country that Applicant may be directly or indirectly from any foreign carrier or administration with respect to traffic accept in the future any special concessions, as defined by the Commission's Rules, reflected in the enclosed attachment, Applicant has not agreed to accept nor shall it As required by Section 63.18(i) of the Commission's Rules, 47 C.F.R. § 63.18(i) and
- (H) the Anti-Drug Abuse Act of 1988. A certification pursuant to Section 1.2002 of the Applicant is not subject to a denial of Federal benefits pursuant to Section 5301 of Commission's Rules for Applicant is attached.
- 0 serve any country in which it has a facilities-based affiliate with market power. of the services for which authority is requested in this application. Moreover, whose international services it may propose to resell. Applicant does not seek to Applicant is not affiliated, as that term is defined by Part 63 of the Commission's services between the United States and countries excluded by the Exclusion List. FCC's Rules, 47 C.F.R. § 63.18(e)(1), to provide international telecommunications Applicant seek global facilities-based authority pursuant to Section 63.18(e)(1) of the Applicant does not seek authority to use facilities on the Exclusion List; nor does Applicant should, therefore, be classified as a non-dominant carrier for the provision Rules and the Commission's revisions of Part 63,8 with any dominant U.S. carrier This application is, accordingly, eligible for streamlined processing.

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See Market Entry Order

CONCLUSION

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

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

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

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

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

Seren Innovations, Inc.

By: Name:

Title: Date:

Glynis Hinschberger

President and Chief Executive Officer 3/9/99

CERTIFICATE OF SERVICE

certify that I have on this $\cancel{/\!\!\!/}$ day of March, 1999 sent by first class United States following: mail, copies of the foregoing APPLICATION for Section 214 Authorization to the I, Virginia Wake, a secretary in the law office of Howrey & Simon, do hereby

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

Secretary Madeleine Albright Department of State 2201 C Street, N.W., 7th 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

WREY & SIMON DO NOT ACCEPT THIS CHECK WITHOUT THE ARTIFICIAL WATERMARK ON THE REVERSE SIDE. HOLD AT ANGLE TO VIEW CITIBANK THE CITIBANK PRIVAT

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March 19, 1999

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DOLLARS \$ 780.00

FEDERAL COMMUNICATIONS COMMISSION

TO THE ORDER OF

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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.

VENDOR: FCC

Invoice: 06363.0002 03/19/99

CHECK #: 307239

780.00

Amount:

TOTAL: 780.00

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are true and correct to the best of my knowledge, infomation and beliefSIGNATURE PAYER TIN COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-0 READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING n, Gregory F. Intoccia Washington 1299 Pennsylvania (1) LOCKBOX # 9D) FCC CALL SIGNOTHER ID Int 1 Sec. 214 Minneapolis 3) STREET ADDRESS LINE NO. 2 APPLICANT NAME(if paying by credit card, en 1) DAYTIME TELEPHONE NUMBER (Include area code) (202) 383-7157 Suite Seren Innovations, Howrey & Simon 15 South 5th St STREET ADDRESS LINE NO 1-800-550-6238 358115 500 IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B SECTION orize the FCG to charge my YISA or MASTERCARD 5 C U w 1 Ave., Inc. D. 0 SECTION B SECTION A - PAYER INFORMATION 2 SECTION F TAXPAYER MN CODE (PTC w FEDERAL COMMUNICATIONS COMMISSION Certify under penalty of perjury that the foregoing and supporting Y 6 REMITTANCE ADVICE CREDIT CARD PAYMENT INFOR Úī AUTHORIZED SIGNATURE PAGE NO 0 APPLICANT INFORMATION (18) COUNTRY CODE (if not in U.S.A.) STATE (10) COUNTRY CODE (if not in U.S.A.) DC APPLICANT TIN (240) FCC CODE 2 (24B) FCC CODE 2 NFORMATION 251 COMPLETE THIS BLOCK ONLY IF APPLICANT NAME I INFORMATION
(22A) FEE DUE FOR (PTC) IN BLOCK 20A 220) FEE DUE FOR (PTC) IN BLOCK 200 22C) FEE DUE FOR (PTC) IN BLOCK 200 9 780.00 (3) TOTAL AMOUNT PAID

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