

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: _____

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

APPROVED BY OMB 3060-0589

(1) LOCKBOX # 358115

PAGE NO. 1 OF 1
MAR 23 1999

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)
Morrison & Foerster LLP

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

(4) STREET ADDRESS LINE NO. 1
2000 Pennsylvania Avenue, N.W., Suite 5500

(6) CITY Washington (7) STATE DC (8) ZIP CODE 20006

(9) DAYTIME TELEPHONE NUMBER (include area code) (202) -8871500 (10) COUNTRY CODE (if not in U.S.A.)

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)
Gabriel Communications, Inc.

(12) STREET ADDRESS LINE NO. 1
16090 Swingley Ridge Road, Suite 500

(14) CITY Chesterfield (15) STATE MO (16) ZIP CODE 63017

(17) DAYTIME TELEPHONE NUMBER (include area code) (314) 991-9375 (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

(19A) FCC CALL SIGN/OTHER ID (20A) PAYMENT TYPE CODE (PTC) (21A) QUANTITY (22A) FEE DUE FOR (PTC) IN BLOCK 20A (24A) FCC CODE 2
C U T 1 \$ 780.00

(19B) FCC CALL SIGN/OTHER ID (20B) PAYMENT TYPE CODE (PTC) (21B) QUANTITY (22B) FEE DUE FOR (PTC) IN BLOCK 20B (24B) FCC CODE 2
FCC USE ONLY

(19C) FCC CALL SIGN/OTHER ID (20C) PAYMENT TYPE CODE (PTC) (21C) QUANTITY (22C) FEE DUE FOR (PTC) IN BLOCK 20C (24C) FCC CODE 2
FCC USE ONLY

(19D) FCC CALL SIGN/OTHER ID (20D) PAYMENT TYPE CODE (PTC) (21D) QUANTITY (22D) FEE DUE FOR (PTC) IN BLOCK 20D (24D) FCC CODE 2
FCC USE ONLY

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN 0940697210 (26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2
APPLICANT TIN 0431820855

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) MASTERCARD/MISA ACCOUNT NUMBER: _____ EXPIRATION DATE: _____
MASTERCARD MONTH YEAR

VISA AUTHORIZED SIGNATURE _____ DATE _____
I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization(s) herein described.

MORRISON & FOERSTER LLP

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.

1083395

Vendor Number 017056 Ref #
FEDERAL COMMUNICATIONS COMMISSION
INVOICE DATE AMOUNT
RQ308196 03/18/99 780.00

INVOICE

Check Number 1083395
Check Date 03/18/99
DATE AMOUNT

Filing fee 42484/1

\$ 780.00

HOLD AT AN ANGLE TO VERIFY BACKGROUND WORDS "SAFE" ON FRONT AND A WATERMARK ON BACK

MORRISON & FOERSTER LLP
WASHINGTON, D.C. OFFICE
2000 PENNSYLVANIA AVE., N.W., SUITE 5500
WASHINGTON, D.C. 20006-1888

CENTURY NATIONAL BANK
WASHINGTON, D.C. 20006

15-159
540

1083395
1083395

03/18/99

*****780.00

TO THE
ORDER OF
FEDERAL COMMUNICATIONS COMMISSION

PAY
SEVEN HUNDRED EIGHTY AND NO/100 DOLLARS

By: *Freddie M.*
AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

⑈ 1083395 ⑆ ⑆ 054001534 ⑆ 001 001053 5 ⑆

Gerard J. Howe
President and Chief Operating Officer
Gabriel Communications, Inc.
16090 Swingley Ridge Road, Suite 500
Chesterfield, MO 63017
(314) 991-9375

with a copy to:

Joan E. Neal
Morrison & Foerster LLP
2000 Pennsylvania, N.W., Suite 5500
Washington, D.C. 20006
(202) 887-8738

- (d) Gabriel has not received a prior grant of authority under Section 214 of the Act.
- (e) (1) Applicant requests Section 214 authority to operate as a facilities-based carrier pursuant to the terms and conditions of Section 63.18(e)(1) to all permissible international points.
- (2) Applicant requests Section 214 authority to operate as a resale carrier pursuant to the terms and conditions of Section 63.18(e)(2) to all permissible international points.
- (f) No response is necessary.
- (g) Authorization of the service covered by this application is categorically excluded as defined by Section 1.1306 of the Commission's rules. No new construction constituting a "major action" under the Commission's rules is contemplated.
- (h) (1) By the attached certification, Gabriel certifies that it is not affiliated with any foreign carriers as defined in Section 63.18(h)(1).

(2) By the attached certification, Gabriel certifies that the shareholders of

Gabriel holding a 10% or greater interest in the company are:

- Brooks Investments, LP is a U.S. investment firm located at 16650 Chesterfield Grove, Suite 110, Chesterfield, MO 63006.
- Goldman Sachs Group, LLP is a U.S. investment banking firm located at 85 Broad Street, New York, NY 10004.
- J.H. Whitney is a U.S. private equity firm located at 177 Broad Street, Stamford, CT 06901.

Gabriel has the following interlocking directorates:

- Robert A. Brooks is the Chairman and Director of Gabriel Communications, Inc. He is also a Director of GLA International, Inc.
- Steven C. Halsted is a Director of Gabriel Communications, Inc. He is also a Director of Formus Communications.
- William C. Laverack is a Director of Gabriel Communications, Inc. He is also a Director of TeleCorp PCS, Inc.
- Joseph T. McCullen is a Director of Gabriel Communications, Inc. He is also a Director of the following companies: Advanced TelCom Group, Inc., Dignet Americas, Inc., General Wireless, Inc., MetroNet Communications Corporation, and TeleCorp PCS, Inc.
- Steven W. Schovee is a Director of Gabriel Communications, Inc. He is also a Director of SMR Direct Corporation.

(3) By the attached certification, Gabriel certifies that it is not affiliated with any U.S. carrier(s) whose facilities-based service(s) it will resell.

- (4) This section requires no response at present.
- (5) Not applicable.
- (6) Not applicable.
- (7) Not applicable.
- (8) Pursuant to Section 63.10(a)(1), Gabriel should be regulated as non-dominant on all routes because it has no affiliation with any foreign carrier.
- (i) By the attached certification, Gabriel certifies that it 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 will not enter into any such agreements in the future.
- (j) By the attached certification, Gabriel certifies 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.
- (k) This application qualifies for streamlined processing pursuant to Section 63.12.

CONCLUSION

The Commission has recognized that increased competition in international markets is beneficial and that those markets will support additional carriers. Additional market entry will promote lower prices, innovative services, increased customer choice, and efficient utilization of telecommunications resources. Gabriel will support each of these goals through the provision of high-quality, competitive international communications services. A grant of Gabriel's application, therefore, will serve the public interest, convenience and necessity.

Dated: March 23, 1999

Respectfully submitted,

By: 

by *enl*
Joan E. Neal
MORRISON & FOERSTER LLP
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20006-1888
(202) 887-1500

Attorney for Gabriel Communications, Inc.

dc-152340

CERTIFICATION

I, Gerard J. Howe, President and Chief Operating Officer of Gabriel Communications, Inc. (“Gabriel”), hereby certify that:

1. Gabriel is not affiliated with any foreign carriers, as defined in Section 63.18(h)(1).

2. The shareholders of Gabriel holding a 10% or greater interest in the company are:

- Brooks Investments, LP is a U.S. investment firm located at 16650 Chesterfield Grove, Suite 110, Chesterfield, MO 63006.
- Goldman Sachs Group, LLP is a U.S. investment banking firm located at 85 Broad Street, New York, NY 10004.
- J.H. Whitney is a U.S. private equity firm located at 177 Broad Street, Stamford, CT 06901.

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Inc., Diginet Americas, Inc., General Wireless, Inc., MetroNet Communications Corporation, and TeleCorp PCS, Inc.

- Steven W. Schovoe is a Director of Gabriel Communications, Inc. He is also a Director of SMR Direct Corporation.
3. Gabriel is not affiliated with any U.S. carrier(s) whose facilities-based service(s) it will resell.
 4. Gabriel 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 will not enter into any such agreements in the future.
 5. 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.
 6. The information contained in the attached application is true, correct and complete to the best of my knowledge.



Gerard J. Howe
President and Chief Operating Officer
Gabriel Communications, Inc.

Dated: March 22, 1999

MORRISON & FOERSTER LLP

ATTORNEYS AT LAW

SAN FRANCISCO
LOS ANGELES
SACRAMENTO
ORANGE COUNTY
PALO ALTO
WALNUT CREEK
DENVER

2000 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20006-1898
TELEPHONE (202) 887-1500
TELEFACSIMILE (202) 887-0763

March 30, 1999

NEW YORK
LONDON
BRUSSELS
BEIJING
HONG KONG
SINGAPORE
TOKYO

Writer's Direct Contact

202-887-8738
jneal@mtfo.com

By Telefacsimile

Fran Eisenstein
Federal Communications Commission
International Bureau
2000 M Street, N.W., Room 800
Washington, D.C. 20554


Re: Gabriel Communications Section 214 Application

Dear Ms. Eisenstein:

As we discussed yesterday with respect to the above-referenced Section 214 application (which was filed on March 23, 1999), I have checked with my client and confirmed the following ownership information for section (h)(2) of the application. The only indirect shareholder with a 10% or greater interest in Gabriel Communications, Inc. ("Gabriel") is Robert A. Brooks, through his ownership in Brooks Investments, LP. Mr. Brooks is a U.S. citizen with an address of 55 Sanctuary Drive, Long Boat Key, Florida 34228. His primary business is running Gabriel and investing in other communications ventures. Gabriel has no other indirect shareholders with a 10% or greater interest.

Please do not hesitate to contact me if you have any further questions regarding this matter.

Sincerely,


Joan E. Neal

cc: Edward Cadieux, Gabriel Communications