

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: _____

FBI -
msa wfo . 22

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB

3060-0889

REMITTANCE ADVICE

(1) LOCKBOX # 358115

FORM 159-PAGE NO. 1 of APR 06 1999

SPECIAL USE
FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)
Goldberg, Godles, Wiener & Wright

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

(4) STREET ADDRESS LINE NO. 1
1229 19th Street NW

(5) STREET ADDRESS LINE NO. 2

(6) CITY
Washington

(7) STATE
DC

(8) ZIP CODE
20036

(9) DAYTIME TELEPHONE NUMBER (include area code)
(202) 429-4900

(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)
Optel, Inc.

(12) STREET ADDRESS LINE NO. 1
1111 W. Mockingbird Lane

(13) STREET ADDRESS LINE NO. 2
Suite 1100

(14) CITY
Dallas

(15) STATE
TX

(16) ZIP CODE
75247

(17) DAYTIME TELEPHONE NUMBER (include area code)
(214) 634-3800

(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
N/A

(20A) PAYMENT TYPE CODE (PTC)
C U T

(21A) QUANTITY

(22A) FEE DUE FOR (PTC) IN BLOCK 20A
\$ 780.00

FCC USE ONLY

(23A) FCC CODE 1

(24A) FCC CODE 2

(19B) FCC CALL SIGN/OTHER ID

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22B) FEE DUE FOR (PTC) IN BLOCK 20B
\$

FCC USE ONLY

(23B) FCC CODE 1

(24B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 20C
\$

FCC USE ONLY

(23C) FCC CODE 1

(24C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 20D
\$

FCC USE ONLY

(23D) FCC CODE 1

(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN
0 5 2 1 3 0 9 3 4 9

APPLICANT TIN

0 7 5 2 7 0 0 1 8 8

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT
I, _____, 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 _____

(PRINT NAME)

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28)

MASTERCARD/VIISA ACCOUNT NUMBER:

EXPIRATION DATE:

MASTERCARD

Grid for account number: 16 empty boxes

Grid for expiration date: MONTH [] [] YEAR [] []

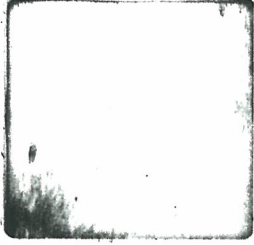
VIISA

hereby authorizes the FCC to charge my VIISA or MASTERCARD for the service(s)/authorization(s) herein described.

AUTHORIZED SIGNATURE

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)



NOT REPRINTED... MICROPRINTING... MICROPRINTING IN THE BORDER AND A CARBON BAND ON THE REVERSE SIDE.

Form with fields for MICR line and other data.

⑈006116⑈ ⑆054000522⑆ 002187425⑈

Handwritten signature: *Robert J. ...*

CRESTAR

DATE	4/16/79
TO THE ORDER OF	Federal Communications Comm
DESCRIPTION	Salary - Qtr
CHECK NUMBER	6116
PAY AMOUNT OF	Seven hundred ninety only
CHECK AMOUNT	\$ 780.00

GOLDBERG, GODLES, WIENER & WRIGHT
1229 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036

EXPLANATION	AMOUNT

6116

15-52/540

FOR SECURITY PURPOSES, THIS DOCUMENT CONTAINS MICROPRINTING IN THE BORDER AND A CARBON BAND ON THE REVERSE SIDE.

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

In re Application of)
)
)
OPTTEL, INC.) FCC File No.)
)
For Certificate Pursuant to Section 214)
of the Communications Act of 1934,)
as Amended, to Establish and Provide)
International Facilities-Based And Resale)
Services To and From Overseas Points)

Application

OpTel, Inc. ("OpTel") hereby requests, for itself and for its affiliates and subsidiaries,¹ global authority pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Sections 63.18(e) of the Commission's rules, 47 C.F.R. § 63.18(e), to provide international facilities-based and resale services to and from overseas locations.² OpTel certifies that it will comply with the terms and conditions of Sections 63.21, 63.22, and 63.23. OpTel requests streamlined processing of this application pursuant to Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12.

OpTel's provision of international service will provide for additional competition in the international telecommunications market. Additional competition in the market benefits consumers of international telecommunications services by lowering prices and increasing availability of a variety of service options. OpTel submits, therefore, that grant of this application will serve the public interest, convenience and necessity.

¹ OpTel's carrier subsidiaries will include OpTel (Arizona) Telecom, Inc., OpTel (California) Telecom, Inc., OpTel (Colorado) Telecom, Inc., OpTel (Illinois) Telecom, Inc., OpTel (Texas) Telecom, Inc., and OpTel (Florida) Telecom, Inc.

² This application has been prepared in accordance with the procedures adopted in the International Bureau's Biennial Review Order, IB Docket No. 98-118 (rel. Mar. 23, 1999), in anticipation that those rules may become effective while this application is pending. The information provided, however, also satisfies the Commission's current rules and, therefore, OpTel requests streamlined processing of this application under the current procedures if it is placed on public notice prior to the effective date of the new rules.

OpTel submits the following information in support of the instant application:

- (a) The name, address, and telephone number of the applicant:

OpTel, Inc.
1111 W. Mockingbird Lane
Dallas, TX 75247
(214)-634-3896

- (b) OpTel is a corporation organized under the laws of Delaware.

- (c) Correspondence with respect to this application should be directed to:

Diane Harbaugh
1111 W. Mockingbird Lane
Dallas, TX 75247
(214)-634-3896

with a copy to applicant's counsel:

W. Kenneth Ferree, Esq.
Goldberg, Godles, Wiener & Wright
1229 Nineteenth Street, N.W.
Washington, D.C. 20036
(202) 429-4900

- (d) OpTel has not previously received Section 214 authority.

- (e) OpTel is requesting global Section 214 authority to operate: (i) as a facilities-based carrier pursuant to the terms and conditions of Section 63.18(e)(1) of the Commission's rules; and (ii) as a resale carrier pursuant to the terms and conditions of Section 63.18(e)(2) of the Commission's rules. OpTel certifies that it will comply with the terms and conditions contained in Sections 63.21, 63.22, and 63.23 of the Commission's rules.

- (f) N/A.

- (g) This application does not involve any new construction, and therefore is categorically excluded from environmental processing pursuant to Section 1.1306 of the Commission's Rules, 47 C.F.R. § 1.1306.

(h) Complete information concerning the name, address, citizenship, and principal business of OpTel's ten percent or greater shareholders is set forth in Exhibit 1. OpTel has no interlocking directorates.

(i) OpTel is presumptively non-dominant on all international routes. OpTel certifies that it is not affiliated with any foreign carrier other than Le Groupe Videotron Ltée ("GVL"), which is a carrier in Canada. GVL lacks market power on the foreign end of the U.S.-Canada route and it cannot therefore affect competition adversely in the U.S. market. GVL has far less than a 50% market share in the international transport and local access markets on the foreign end of the U.S.-Canada route.

Further, Canada is a WTO member country. OpTel certifies that it will serve Canada solely by reselling the switched services of unaffiliated U.S. international carriers. OpTel does not propose to resell the international switched or private line services of any affiliated carrier. Consequently, OpTel is presumptively non-dominant on all international routes and this application warrants streamlined processing. See Review of International Common Carrier Regulations, IB Docket No. 98-118 (rel. March 23, 1999); 47 C.F.R. § 63.10(a)(4).

(j) As set forth in item (i) above, GVL, which owns more than 25 percent of OpTel, is a carrier in Canada. OpTel seeks to provide international telecommunications services to Canada by reselling the switched services of unaffiliated U.S. international carriers.

(k) OpTel requests streamlined processing of this application pursuant to Sections 63.10(a)(1), 63.10(a)(3), 63.10(a)(4), and 63.12(c)(1)(ii) & (iv) of the Commission's rules. GVL is a carrier in Canada with far less than a 50 percent market share in either the international transport or local access markets in Canada. As set forth in paragraph (i) infra, GVL lacks market power on the foreign end of the U.S.-Canada route. Moreover, Canada is a WTO member nation. OpTel certifies that it will serve Canada solely by reselling the switched services of unaffiliated U.S. international carriers. Thus, OpTel is presumptively non-dominant on all international routes.

(l) GVL does not have market power in either the international transport or local access markets in Canada. In the local access market, more particularly in the provinces of Quebec and Ontario in which more than 50-percent of the Canadian population resides, Bell Canada is the dominant market participant. In the international transport market, AT&T and Bell Canada are the dominant market participants. Thus, pursuant to Section 63.10(a)(3), GVL should be found to lack market power on the foreign end of the U.S.-Canada route. If, however, GVL is not found to lack market power on that route, OpTel will file quarterly traffic reports as required by Section 43.61(c) of the Commission's rules.

(m) See paragraphs (i), (k), and (l) supra.

(n) OpTel hereby certifies that it: (1) 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 (2) will not enter into any such agreements in the future.

OpTel certifies that no party to this application is subject to a denial of any federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853a.

For the reasons set forth above, OpTel respectfully requests that the Commission grant this application and that it be processed pursuant to the streamlined procedures applicable to non-dominant carriers under Section 63.12.

Respectfully submitted,

OPTEL, INC.

By: 

Michael E. Katzenstein
Vice-President & General Counsel

Date: 4/5/99

EXHIBIT 1

INFORMATION CONCERNING 10% OR GREATER SHAREHOLDERS

<u>Name/Address</u>	<u>Citizenship</u>	<u>Principal Business</u>	<u>Ownership Interest</u>
Le Groupe Videotron Ltee Montreal, Quebec	Canada	Cable MSO	82%
Capital Communications Montreal, Quebec	Canada	Cable Operator	16%