

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:

Qatar, HKTS
and more - demand for cable &
switched services + demand for all
the services

F 3 1

FCC/MELLON APR 12 1999

FIRST UNION NATIONAL BANK
WASHINGTON, DC

05407

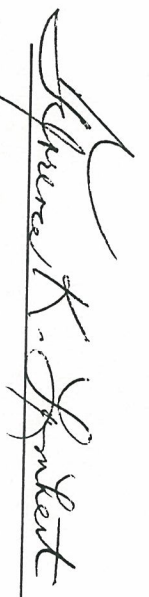
KELLEY DRYE & WARREN LLP
1200 19TH STREET, N.W.
WASHINGTON, DC 20036

15-122/540
00480
April 12, 1999

PAY TO THE Federal Communications Commission
ORDER OF

\$ 780.00

Seven-Hundred and Eighty-----00/100-----DOLLARS



MEMO Filing fee 009525.006

⑈005407⑈ ⑆054001220⑆ 2000034690853⑈

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

APPROVED BY OMB 3090-0588

(1) LOCKBOX # 358.115

PAGE NO. 1 OF 1

(2) PAYER NAME/ paying by credit card, enter name exactly as it appears on your card)

Kelley Drye & Warren LLP

SECTION A - PAYER INFORMATION

(3) TOTAL AMOUNT PAID (dollars and cents)

(4) STREET ADDRESS LINE NO. 1
1200 19th Street, N.W.

(5) STREET ADDRESS LINE NO. 2
Suite 500

(6) CITY
Washington, D.C.

(7) STATE
USA

(8) DAYTIME TELEPHONE NUMBER (include area code)
(202) 955-9600

(18) COUNTRY CODE (if not in U.S.A.)
USA

(9) ZIP CODE
20036

**IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IN REMITTANCE ONE APPLICATION USE CONTINUATION SHEETS (FORM 159-C)**

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME/ paying by credit card, enter name exactly as it appears on your card)

(12) STREET ADDRESS LINE NO. 1
Cable & Wireless Global Markets, Inc.

(13) STREET ADDRESS LINE NO. 2
8219 Leesburg Pike

(14) CITY
Vienna

(15) STATE
VA

(16) ZIP CODE
22182

(17) DAYTIME TELEPHONE NUMBER (include area code)
(703) 905-4109

(18) COUNTRY CODE (if not in U.S.A.)

COMPLETE SECTION C FOR EACH SERVICE. MORE BOXES ARE NEEDED. USE CONTINUATION SHEETS (FORM 159-C)

SECTION C - PAYMENT INFORMATION

(18A) FCC CALL SIGN/OTHER ID

(20A) PAYMENT TYPE CODE (PTC)

(21A) QUANTITY

(22A) FEE DUE FOR PTC IN BLOCK 2A

(23A) FCC CODE 1

(20A) PAYMENT TYPE CODE (PTC)

(21A) QUANTITY

(22A) FEE DUE FOR PTC IN BLOCK 2A
\$ 780.00

(18B) FCC CALL SIGN/OTHER ID

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22B) FEE DUE FOR PTC IN BLOCK 2B

(23B) FCC CODE 1

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22B) FEE DUE FOR PTC IN BLOCK 2B

(18C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR PTC IN BLOCK 2C

(23C) FCC CODE 1

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR PTC IN BLOCK 2C

(18D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR PTC IN BLOCK 2D

(23D) FCC CODE 1

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR PTC IN BLOCK 2D

SECTION D - PAYER INFORMATION (REQUIRED)

(25) PAYER TIN

0 1 3 5 3 3 5 1 0 7

APPLICANT TIN

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT
I, Joan M. Griffin
(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

Joan M. Griffin

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28) MASTERCARD

MASTERCARD ACCOUNT NUMBER

EXPIRATION DATE:

MONTH YEAR

VISA

AUTHORIZED SIGNATURE

DATE

A heavy substance fee for stamps on VISA or Mastercard
for the service/endorsement(s) listed elsewhere.

SEE PUBLIC BUDGET ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

1200 19TH STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

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(202) 955-9792

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LOS ANGELES, CA

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CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

(202) 955-9600

DIRECT LINE (202) 955-9786
E-MAIL: jgriffin@kelleydrye.com

BRUSSELS, BELGIUM

HONG KONG

April 12, 1999

AFFILIATE OFFICES
BANGKOK, THAILAND
JAKARTA, INDONESIA
MANILA, THE PHILIPPINES
MUMBAI, INDIA
TOKYO, JAPAN

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

Attn: Susan O'Connell

Re: Application of Cable & Wireless Global Markets, Inc. for Authority
Pursuant to Section 214 of the Communications Act of 1934, as Amended, to
Operate As a Facilities-Based and Resale Carrier Between the U.S. and
Jamaica and Between the U.S. and St. Kitts and Nevis

Dear Sir or Madam:

Cable & Wireless Global Markets, Inc., by its attorneys, hereby submits for filing an original and five (5) copies of its above-captioned application. Enclosed is a duplicate of this filing and a return envelope. Please date-stamp the duplicate upon receipt and return it in the envelope provided. Also enclosed is a check in the amount of \$780.00 for the filing fee.

Please do not hesitate to call me at the above referenced number if you should have any questions regarding this matter.

Sincerely,


Joan M. Griffin
Its Attorney

JG:nrr
Enclosures

DC01/GRIFJ/78756.1

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

In the Matter of

**CABLE & WIRELESS GLOBAL
MARKETS, INC.**

| | | |
|--------------------------------------|---|----------------------|
| Application for Authority Under |) | File No. ITC - _____ |
| Section 214 of the Communications |) | |
| Act of 1934, as Amended, to Operate |) | |
| As a Facilities-Based and Resale |) | |
| Carrier Between the U.S. and Jamaica |) | |
| and Between the U.S. and |) | |
| St. Kitts and Nevis |) | |

APPLICATION

Cable & Wireless Global Markets, Inc. ("CWGM" or "Applicant"), by its attorneys and pursuant to Section 214 of the Communications Act of 1934, as amended ("the Act") and Section 63.18(e)(6) of the Commission's Rules, 47 C.F.R. § 63.18(e)(6), hereby requests authority to operate as a facilities-based and resale carrier. CWGM seeks authority to serve Jamaica and St. Kitts and Nevis in this Application.

CWGM is affiliated with Cable & Wireless Jamaica in Jamaica and with St. Kitts and Nevis Telecommunications, Ltd. in St. Kitts and Nevis. However, both countries are Members of the World Trade Organization ("WTO"). Thus, grant of authority to CWGM is appropriate under the rules and policies established by the Commission in its *Foreign*

Participation Order.¹ In addition, CWGM notes that the Commission recently granted facilities-based and resale authority to two other Cable & Wireless companies, Cable & Wireless, Inc. (“C&WUSA”) and Cable & Wireless Global Card Services, Inc. (“C&W Card Services”) to provide service on these routes.² In the *C&WUSA Order*, the Commission regulated C&WUSA and C&W Card Services in their provision of service on these routes as (1) non-dominant, if these carriers are providing only switched services through the resale of other U.S.-authorized carriers’ switched services (except affiliated U.S. carriers regulated as dominant on the route), and (2) dominant, if these carriers are providing any other service.³ CWGM requests and accepts the same regulatory treatment in this Application.

CWGM recognizes that its authorization to provide facilities-based service on the routes requested will be subject to the benchmark settlement rate condition adopted in the Commission’s *Benchmark Settlement Rates Order*⁴ and thus that it will be unable to provide facilities-based service on any particular route until the settlement rates of CWGM’s foreign affiliate on the route are within benchmark. CWGM accepts this condition, except to the extent that the condition is found to be unlawful.

CWGM requests that the Commission process this Application in accordance with its streamlined processing procedures. Streamlined processing is appropriate under

¹ *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, IB Docket Nos. 97-142 and 95-22, Report and Order on Reconsideration, 12 FCC Rcd 23, 891 (1997) (“*Foreign Participation Order*”).

² See *Cable & Wireless, Inc.*, Order, Authorization and Certificate, DA 98-1887, rel. Sept. 18, 1998 (hereinafter the “*C&WUSA Order*”).

³ *Id.* at ¶¶ 25-26.

⁴ See *International Settlement Rates*, Report and Order, 12 FCC Rcd 1986 (1997) (“*Benchmark Settlement Rates Order*”).

Section 63.12(c) of the Commission's Rules, because the Commission has already determined the market power of CWGM's affiliates in these countries, and CWGM will accept the regulatory treatment that the Commission has already found to be appropriate in light of these affiliates' market power.

Pursuant to Section 63.18 of the Commission's Rules, CWGM sets forth the following information in support of this Application:

- (a) The name, address, and telephone number of the Applicant is:
Cable & Wireless Global Markets, Inc.
8219 Leesburg Pike
Vienna, VA 22182
Phone: (703) 905-4109
- (b) CWGM is a corporation organized under the laws of the State of Delaware.
- (c) Correspondence concerning this Application should be sent to:
Philip V. Permut
Joan M. Griffin
KELLEY DRYE & WARREN LLP
1200-19th Street NW
Suite 500
Washington, D.C. 20036
Phone: (202) 955-9600
Fax: (202) 955-9792
- (d) CWGM currently holds limited global resale authority, as granted in File No. I-T-C-98-474 (effective August 5, 1998).
- (e) CWGM is applying for authority pursuant to Section 63.18(e)(6) of the Commission's Rules to operate as a facilities-based and resale carrier for the provision of service to Jamaica and St. Kitts and Nevis.
- (f) No response required.
- (g) CWGM will use previously authorized facilities to provide its facilities-based services and thus this Application is categorically excluded from environmental assessment pursuant to Section 1.1306 of the Commission's Rules.

- (h)
- (1) As evidenced by the certification provided in Attachment A, CWGM is affiliated with foreign carriers in the countries listed in Annex 1 to that Attachment. Also, CWGM is a foreign carrier in Canada.
- (2) CWGM is ultimately 100 percent owned by Cable and Wireless plc ("C&W plc"), a company organized under the laws of England and Wales.⁵ C&W plc is a holding company for a number of telecommunications operations worldwide. There are no shareholders that control ten percent or more of C&W plc. At present, CWGM has no interlocking directorates with any other U.S. common carrier.
- (3) As evidenced by the certification provided in Attachment A, CWGM is indirectly affiliated with a U.S. carrier, Cable & Wireless, Inc. ("C&WUSA"). CWGM proposes to resell the facilities-based international services of C&WUSA, as well as the facilities-based international services of other U.S. carriers.
- (4) No response required.
- (5) Jamaica and St. Kitts and Nevis are Members of the WTO.
- (6) Jamaica and St. Kitts and Nevis are Members of the WTO.
- (7) To the extent required, CWGM will file quarterly traffic reports under Section 43.61(c) of the Commission's Rules.
- (8) As noted previously, in the *C&WUSA Order*, the Commission regulated two other Cable & Wireless companies, C&WUSA and C&W Card Services, in their provision of service to Jamaica and St. Kitts and Nevis as (1) non-dominant, if these carriers are providing only switched services through the resale of other U.S.-authorized carriers' switched services (except affiliated U.S. carriers regulated as dominant on the route) and (2) dominant, if these carriers are providing any other service. CWGM requests and accepts the same regulatory treatment in this Application.
- (i)
- As evidenced by the certification provided in Attachment A, CWGM 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 such agreements in the future.

⁵ The address of C&W plc is 124 Theobalds Road, London WC1X 8RX, England.

- (j) As evidenced by the certification provided in Attachment A, CWGM 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) Streamlined processing is appropriate for this Application under Section 63.12(c)(1)(iii) of the Commission's Rules because the Commission has already determined the market power of CWGM's affiliates in these countries, and CWGM will accept the regulatory treatment that the Commission has already found to be appropriate in light of these affiliates' market power.

For the reasons stated herein, the Commission should grant the authority requested in this Application.

Respectfully Submitted,

**CABLE & WIRELESS GLOBAL
MARKETS, INC.**

By: David Sexton
David Sexton⁶
Chief Executive

Philip V. Permut
Joan M. Griffin
KELLEY DRYE & WARREN LLP
1200-19th Street NW
Suite 500
Washington, D.C. 20036
(202) 955-9600

Its Attorneys

Date: 4/12/99

⁶ Pursuant to Section 1.743(b) of the Rules, this Application is signed by CWGM's counsel on its behalf as all representatives of CWGM are absent from the U.S.

CERTIFICATION

The undersigned hereby certifies, on behalf of Cable & Wireless Global Markets,

Inc. ("CWGM"), that:

1. CWGM is a foreign carrier (as that term is defined in Section 63.18(h)(1)(ii) of the Commission's Rules) in Canada.
2. CWGM is affiliated with foreign carriers that operate in the countries listed in Annex 1 to this Certification.
3. CWGM is affiliated with Cable & Wireless, Inc., a facilities-based U.S. carrier whose services CWGM plans to resell.
4. CWGM 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 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.

By: David Sexton / gues
David Sexton
Chief Executive

Date: 4/12/99

⁷ Pursuant to Section 1.743(b) of the Rules, this Application is signed by CWGM's counsel on its behalf as all representatives of CWGM are absent from the U.S.

Annex 1 to Attachment A

**COUNTRIES IN WHICH CABLE & WIRELESS plc POSSESSES
25 PERCENT OR GREATER COMMON DIRECT OR INDIRECT
OWNERSHIP IN A CARRIER**

| | |
|------------------------|-------------------|
| Anguilla | Macao |
| Antigua | Maldives |
| Ascension Island | Montserrat |
| Australia | Pakistan |
| Barbados | Panama |
| Bermuda | Philippines |
| British Virgin Islands | Russia |
| Bulgaria | Seychelles |
| Canada | Solomon Islands |
| Cayman Islands | St. Helena |
| China | St. Kitts & Nevis |
| Diego Garcia | St. Lucia |
| Dominica | St. Vincent |
| Falkland Islands | Thailand |
| Fiji | Tonga |
| Grenada | Trinidad & Tobago |
| Hong Kong | Turks & Caicos |
| Indonesia | United Kingdom |
| Jamaica | Vanuatu |
| Japan | Yemen |