

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:

Summary of the application
Notes - see the application

FBI

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

FIRST UNION NATIONAL BANK
WASHINGTON, DC

05406

15-122/540
00480

April 12, 1999

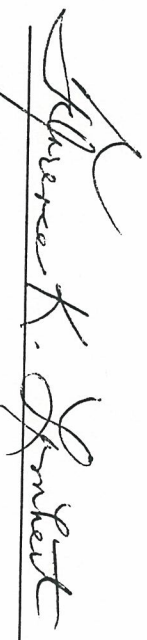
PAY TO THE ORDER OF Federal Communications Commission

\$ 780.00

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

MEMO Filing fee 009525.006

⑈005406⑈ ⑆054001220⑆ 2000034690853⑈



READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

APPROVED BY OMB 3060-0589

(1) LOCKBOX # 358.115

PAGE NO. 1 OF 1

SECTION A - PAYER INFORMATION

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

Kelley Drye & Warren LLP

(3) TOTAL AMOUNT PAID (dollars and cents)

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

Suite 500

(5) STREET ADDRESS LINE NO. 2

(6) CITY

Washington, D.C.

(7) STATE

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

(10) 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
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)

Cable & Wireless Global Networks Limited (Ireland)

(12) STREET ADDRESS LINE NO. 1

6 Fitzwilliam Square

(13) STREET ADDRESS LINE NO. 2

(14) CITY

Dublin 2, Ireland

(15) STATE

(16) ZIP CODE

(17) DAYTIME TELEPHONE NUMBER (include area code)
011-353-1-404-0400

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

(18A) FCC CALL SIGN/OTHER ID

(20A) PAYMENT TYPE CODE (PTC)

(21A) QUANTITY

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

(22A) FCC CODE 1

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

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

(18B) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

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

(22C) FCC CODE 1

(18C) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

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

(22D) FCC CODE 1

(19) FCC CALL SIGN/OTHER ID

(20E) PAYMENT TYPE CODE (PTC)

(21E) QUANTITY

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

(22E) FCC CODE 1

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN

0 1 3 5 3 3 5 1 0 7

APPLICANT TIN

SECTION E - CERTIFICATION

(27) CERTIFICATION SIGNATURE
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

(28) MASTERCARD

MASTERCARD/AMERICAN EXPRESS ACCOUNT NUMBER

SECTION F - CREDIT CARD PAYMENT INFORMATION

EXPIRATION DATE

MONTH YEAR

VISA

Verify whether the FCC is being paid by VISA or Mastercard

AUTHORIZED SIGNATURE

DATE

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)

KELLEY DRYE & WARREN LLP
A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

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AFFILIATE OFFICES

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MUMBAI, INDIA

TOKYO, JAPAN

April 12, 1999

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

Attn: Susan O'Connell

Re: Application of Cable & Wireless Global Networks Limited (Ireland) 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 Networks Limited (Ireland), 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/GRUJ/78770.1

Participation Order.¹ In addition, CWGN 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*, 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 CWGN requests and accepts the same regulatory treatment in this Application.

CWGN 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 CWGN’s foreign affiliate on the route are within benchmark. CWGN accepts this condition, except to the extent that the condition is found to be unlawful.

CWGN 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) (rel. Nov. 26, 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 19806 (1997) (“*Benchmark Settlement Rates Order*”).

Section 63.12(c) of the Commission's Rules, because the Commission has already determined the market power of CWGN's affiliates in the countries, and CWGN 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, CWGN sets forth the following information in support of this Application:

- (a) The name, address, and telephone number of the Applicant is:
Cable & Wireless Global Networks Limited (Ireland)
6 Fitzwilliam Square
Dublin 2, Ireland
Phone: +011-353-1-404-0400
- (b) CWGN is a corporation organized under the laws of Ireland. ✓
- (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) CWGN currently holds Section 214 authority to provide facilities-based service on the U.S.-U.K. route. *See* Cable & Wireless Global Network Organisation Limited (Ireland), File No. I-T-C-98-497, effective August 19, 1998.
- (e) CWGN is applying for authority to operate as a facilities-based and resale carrier for the provision of service to Jamaica and St. Kitts and Nevis. CWGN seeks this authority pursuant to Section 63.18(e)(6) of the Commission's Rules.
- (f) No response required.
- (g) CWGN 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, CWGN is affiliated with foreign carriers in the countries listed in Annex 1 to that Attachment.
- (2) CWGN 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, CWGN has no interlocking directorates with any other U.S. common carrier.
- (3) As evidenced by the certification provided in Attachment A, CWGN is indirectly affiliated with a U.S. carrier, Cable & Wireless, Inc. ("C&WUSA"). CWGN 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) Every country for which authority is requested in this Application and in which CWGN has a foreign affiliate is a member of the WTO.
- (6) Every country for which authority is requested in this Application and in which CWGN has a foreign affiliate is a member of the WTO.
- (7) To the extent required, CWGN 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. CWGN requests and accepts the same regulatory treatment in this Application.
- (i) As evidenced by the certification provided in Attachment A, CWGN certifies that it has not agreed to accept special concessions directly or

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

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.

(j) As evidenced by the certification provided in Attachment A, CWGN 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 of the Commission's Rules because the Commission has already determined the market power of CWGN's affiliates in these countries, and CWGN 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
NETWORKS LIMITED (Ireland)**

By:

Anthony Scott / gwr

Anthony Scott
General Manager and Director

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 CWGN's counsel on its behalf as all representatives of CWGN are absent from the U.S.

CERTIFICATION

The undersigned hereby certifies, on behalf of Cable & Wireless Global Networks Limited (Ireland) ("CWGN") and with respect to the foregoing application of CWGN, that:

1. CWGN is not a foreign carrier (as that term is defined in Section 63.18(h)(1)(ii) of the Commission's Rules).
2. CWGN is affiliated with foreign carriers that operate in the countries listed in Annex 1 to this Certification.
3. CWGN is affiliated with Cable & Wireless, Inc., a facilities-based U.S. carrier whose services CWGN plans to resell.
4. CWGN 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: *Anthony Scott/General*
Anthony Scott
General Manager and Director

Date: 4/12/99

⁷ Pursuant to Section 1.743(b) of the Rules, this Application is signed by CWGN's counsel on its behalf as all representatives of CWGN 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	Pakistan
Antigua	Panama
Ascension Island	Philippines
Australia	Russia
Barbados	Seychelles
Bermuda	Solomon Islands
Bulgaria	St. Helena
British Virgin Islands	St. Kitts & Nevis
Canada	St. Lucia
Cayman Islands	St. Vincent
China	Thailand
Diego Garcia	Tonga
Dominica	Trinidad & Tobago
Falkland Islands	Turks & Caicos
Fiji	United Kingdom
Grenada	Vanuatu
Hong Kong	Yemen
Indonesia	
Jamaica	
Japan	
Macao	
Maldives	
Montserrat	