

Categories of Services for 214 Applications  
(~~Streamlined~~/Non-streamlined)

- 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:

*Public & Divis*  
*for App.*

*F-131*



FCC/MELLON APR 12 1999

FIRST UNION NATIONAL BANK  
WASHINGTON, DC

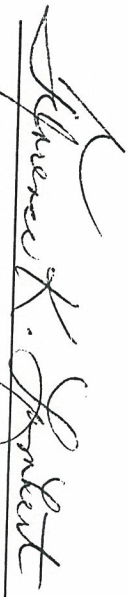
05403

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

15-122/540  
00480  
April 12, 1999

PAY TO THE ORDER OF Federal Communications Commission

Seven-Hundred and Eighty-----00/100-----\$ 780.00 DOLLARS



MEMO Filing fee 009525.006  
⑈005403⑈ ⑆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

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)

Kelley Drye & Warren LLP

(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

(16) 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

(18) ZIP CODE

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

(16) 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

(19A) FCC CALL SIGN/OTHER ID

(20A) PAYMENT TYPE CODE (PTC)

(21A) QUANTITY

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

(23A) FCC CODE 1

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

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

(19B) FCC CALL SIGN/OTHER ID

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

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

(23B) FCC CODE 1

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

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

(19C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

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

(23C) FCC CODE 1

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

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

(19D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

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

(23D) FCC CODE 1

(20E) PAYMENT TYPE CODE (PTC)

(21E) QUANTITY

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

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN  
0 1 3 5 3 3 5 1 0 7

(26) APPLICANT TIN

SECTION E - CERTIFICATION

(27) CERTIFICATION SIGNATURE  
Joan M. Griffin

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/ATM ACCOUNT NUMBER

EXPIRATION DATE

(29) VISA

1. Primary cardholder has POC to charge any Visa or MasterCard for the services/description listed herein described.

AUTHORIZED SIGNATURE

MONTH

YEAR

DATE

SEE PUBLIC WORKS ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

1200 19<sup>TH</sup> STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

FACSIMILE

(202) 955-9792

NEW YORK, NY

LOS ANGELES, CA

MIAMI, FL

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

HONG KONG

April 12, 1999

DIRECT LINE (202) 955-9786

E-MAIL: jgriffin@kelleydrye.com

AFFILIATE OFFICES

BANGKOK, THAILAND

JAKARTA, INDONESIA

MANILA, THE PHILIPPINES

MUMBAI, INDIA

TOKYO, JAPAN

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 China and Between the U.S. and Russia

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,

  
Jean M. Griffin  
Its Attorney

JG:nrr

Enclosures

DC01/GRJFJ/78767.1



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

In the Matter of

CABLE & WIRELESS GLOBAL  
NETWORKS LIMITED (Ireland)

File No. ITC - \_\_\_\_\_

Application for Authority Under  
Section 214 of the Communications  
Act of 1934, as Amended, to Operate  
as a Facilities-Based and Resale  
Carrier Between the U.S. and  
China and Between the U.S. and Russia

APPLICATION

Cable & Wireless Global Networks Limited (Ireland) ("CWGN" 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. CWGN seeks authority to serve Russia and China in this Application.

In Russia, CWGN is affiliated with three foreign carriers – Sakhalin Telekom ("ST") and Sakhalin Syjaz ("SS"), which operate exclusively in the Sakhalin Island region of Russia, and Nakhodka Telekom ("NT"), which operates in the Nakhodka and Vladivostok regions. In granting facilities-based and resale authority to provide service to Russia to another Cable & Wireless company, Cable & Wireless, Inc. ("C&WUSA"), the Commission found that these affiliates either possess insufficient market power to discriminate against unaffiliated carriers, or that it would not serve the public interest to

apply the effective competitive opportunities (“ECO”) test under these circumstances.<sup>1</sup> CWGN and C&WUSA are similarly situated vis-à-vis the Cable & Wireless Russia affiliates and thus the same conclusions are warranted here. In the *C&WUSA Russia Order*, the Commission held that C&WUSA would be classified as a non-dominant carrier in its provision of service to all regions of Russia except the Sakhalin Island region.<sup>2</sup> With respect to the Sakhalin Island region, C&WUSA would be classified as (1) non-dominant, if it was 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 it is providing any other service.<sup>3</sup> CWGN requests and accepts the same regulatory treatment in this Application.

In China, CWGN is affiliated within the meaning of Section 63.18(h)(1)(i)(A) of the Commission’s Rules with the Shenda Telephone Company (“Shenda”). The Commission recently granted facilities-based and resale authority to C&WUSA to provide service to China.<sup>4</sup> In that Order, the Commission recognized that C&WUSA is not affiliated within the meaning of Section 63.18(h)(1)(i)(B) with Shenda or any other carrier in China and thus that the ECO test does not apply to C&WUSA’s provision of

<sup>1</sup> See *Cable & Wireless, Inc.*, Order, Authorization, and Certificate, DA 98-628, rel. Apr. 2, 1998 at ¶¶ 10, 12-13 (“*C&WUSA Russia Order*”). The Cable and Wireless affiliates in St. Petersburg that were discussed in the *C&WUSA Russia Order* (i.e., Peterstar and Baltic Communications Ltd.) have since been sold. See *Cable & Wireless, Inc.*, Notification of Foreign Affiliation, File No. FCN-NEW-19980904-00028, filed Sept. 4, 1998.

<sup>2</sup> *C&WUSA Russia Order* at ¶15.

<sup>3</sup> *Id.* at ¶ 15-16; See *Cable & Wireless, Inc.*, Order, Authorization and Certificate, DA98-1887, rel. Sept. 18, 1998, at ¶27, n. 64.

<sup>4</sup> *Cable & Wireless, Inc.*, Order, Authorization, and Certificate, DA98-2498, rel. Dec. 8, 1998 (the “*C&WUSA China Order*”).



service on this route.<sup>5</sup> CWGN and C&WUSA are similarly situated vis-à-vis Shenda and thus the same conclusions are warranted here. In the *C&WUSA China Order*, the Commission held that C&WUSA would be classified as (1) a non-dominant carrier, if it was 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 it is providing any other service.<sup>6</sup> CWGN requests and accepts the same regulatory treatment in this Application.

CWGN recognizes that its authorization to provide facilities-based service to affiliated markets in Russia (i.e., the Sakhalin Island region, Nakhodka, and Vladivostok) will be subject to the benchmark settlement rate condition adopted in the Commission's *Benchmark Settlement Rates Order*<sup>7</sup> and thus that it will be unable to provide facilities-based service on the routes until the settlement rates of CWGN's foreign affiliates on the routes are within benchmark.<sup>8</sup> CWGN accepts this condition, except to the extent that the condition is found to be unlawful. The Commission did not impose the benchmark settlement rate condition on C&WUSA's provision of facilities-based service to China<sup>9</sup> and thus there are no grounds for applying it to CWGN in this case.

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

<sup>5</sup> *Id.* at ¶9.

<sup>6</sup> *Id.* at ¶¶ 18-19.

<sup>7</sup> See *International Settlement Rates*, Report and Order, 12 FCC Rcd 19806 (1997) ("*Benchmark Settlement Rates Order*").

<sup>8</sup> In the *C&WUSA Russia Order*, the Commission did not apply the benchmark condition to C&WUSA's portion of facilities-based service to unaffiliated markets in Russia. *C&WUSA Russia Order* at ¶21.

<sup>9</sup> See *C&WUSA China Order* at ¶12.

Section 63.12(c) of the Commission's Rules, because the Commission has already determined the marketpower 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.

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  
1200-19<sup>th</sup> 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 Russia and China. 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.<sup>10</sup> 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, 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) Russia: As discussed above, CWGN is affiliated with SS, ST, and NT in Russia. In the *C&WUSA Russia Order*, the Commission held that NT does not possess sufficient market share or control bottleneck facilities to enable NT to discriminate against unaffiliated U.S. carriers. With respect to SS and ST, the Commission found that it would not serve the public interest to apply the ECO test with respect to these affiliates.<sup>11</sup>

China: As discussed above, in the *C&WUSA China Order*, the Commission held that C&WUSA is not affiliated within the meaning of Section 63.18(h)(1)(i)(B) with Shenda or any other carrier in China.<sup>12</sup>

(6) See response to (h)(5) above.

(7) See response to (h)(8) below. CWGN will file quarterly traffic reports to the extent required by the Commission.

(8) Russia: In the *C&WUSA Russia Order*, the Commission held that C&WUSA would be classified as a non-dominant carrier in its provision of service to all regions of Russia except the Sakhalin Island region.<sup>13</sup>

<sup>10</sup> The address of C&W plc is 124 Theobalds Road, London WC1X 8RX, England.

<sup>11</sup> See *C&WUSA Russia Order* at ¶¶10, 12-13.

<sup>12</sup> See *C&WUSA China Order* at ¶9.

<sup>13</sup> See *C&WUSA Russia Order* at ¶15.

With respect to the Sakhalin Island region, C&WUSA would be classified as (1) non-dominant, if it was 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 it is providing any other service.<sup>14</sup> CWGN requests and accepts the same regulatory treatment in this Application.

China: In the *C&WUSA China Order*, the Commission held that C&WUSA would be classified as (1) a non-dominant carrier, if it was 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 it is providing any other service.<sup>15</sup> 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 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.

---

<sup>14</sup> *Id.* at ¶¶15-16.

<sup>15</sup> See *C&WUSA China Order* at ¶¶ 18-19.



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 / JWS*  
Anthony Scott  
General Manager and Director

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

Its Attorneys


Date: 4/2/99

<sup>16</sup> 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 Manager and Director

Date: 4/12/99

---

<sup>17</sup> 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 ARE 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
British Virgin Islands	St. Helena
Bulgaria	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	