

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

*Henry Kroy*  
*as per to be reported as assignment*

FBI

FCC/MELLON APR 12 1999

FIRST UNION NATIONAL BANK  
WASHINGTON, DC

05402

**KELLEY DRYE & WARREN LLP**  
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15-122/540  
00480  
April 12, 1999

PAY TO THE ORDER OF Federal Communications Commission \$ 780.00

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

*Glenn K. Spindel*  
Glenn K. Spindel

MEMO Filing fee 009525.006

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HONG KONG

April 12, 1999

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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  
Resell International Private Lines for the Provision of Switched Services  
Between the U.S. and Hong Kong**

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:mr

Enclosures

DC01/GRIFJ/78749.1

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

In the Matter of  
                  )  
                  )  
CABLE & WIRELESS GLOBAL  
MARKETS, INC.      )  
                  )  
                  )

Application for Authority Under  
Section 214 of the Communications  
Act of 1934, as Amended, to Resell  
International Private Lines for the  
Provision of Switched Services  
Between the U.S. and Hong Kong  
                  )                  File No. ITC - \_\_\_\_\_  
                  )  
                  )

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 resell international private line channels between the U.S.  
and Hong Kong that are interconnected to the public switched network at one or both  
ends ("international simple resale" or "ISR").

The Commission recently added Hong Kong to the list of countries for which  
U.S. carriers may provide ISR. See *AT&T Corp., Order, Authorization and Certificate*,  
DA 98-2654, released January 4, 1999 ("*AT&T Order*"). CWGM is affiliated with three  
foreign carriers in Hong Kong – specifically Hong Kong Telephone Company Limited,  
Hong Kong Telecom International Limited, and Hong Kong Telecom CAS Limited – that  
the Commission has not determined lack sufficient market power to affect competition  
adversely in the U.S. market. However, CWGM notes that in the *AT&T Order*, the

Commission also granted authority to another Cable & Wireless company, Hong Kong Telecommunications (Pacific) Limited (“HKTP”), to engage in ISR on the U.S.-Hong Kong route.<sup>1</sup> CWGM and HKTP are similarly situated vis-à-vis their Hong Kong affiliates and thus the Commission’s decision to grant ISR authority to HKTP provides ample precedent for grant of this Application.

CWGM requests that the Commission process this Application in accordance with its streamlined processing procedures. Streamlined processing is appropriate under Section 63.12(c) of the Commission’s Rules, because Hong Kong is a member of the World Trade Organization and CWGM will accept the dominant carrier treatment.

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  
1200-19<sup>th</sup> Street NW  
Suite 500  
Washington, D.C. 20036  
Phone: (202) 955-9600  
Fax: (202) 955-9792

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<sup>1</sup> *AT&T Order* at ¶ 9.

- (d) CWGM currently holds limited global resale authority, as granted in File No. I-T-C-98-474 (granted August 5, 1998).
- (e) CWGM is applying for authority, pursuant to Section 63.18(e)(6) of the Commission's Rules, to resell international private line channels between the U.S. and Hong Kong for the provision of switched services.
- (f) No response required.
- (g) Not applicable; CWGM is not seeking facilities-based authority in this Application.
- (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.<sup>2</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, 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&W USA"). CWGM proposes to resell the facilities-based international services of C&W USA, as well as the facilities-based international services of other U.S. carriers.  
(4) No response required.  
(5) Not applicable; CWGM is not seeking facilities-based authority in this Application.  
(6) Hong Kong is a Member 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) CWGM will accept dominant carrier treatment in its provision of ISR to Hong Kong.

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<sup>2</sup> The address of C&W plc is 124 Theobalds Road, London WC1X 8RX, England.

- (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.
- (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) of the Commission's Rules because Hong Kong is a member of the WTO and CWGM will accept dominant carrier treatment.



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<sup>3</sup>  
Chief Executive

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: 4/12/99

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<sup>3</sup> 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<sup>4</sup>  
Chief Executive

Date: 4/12/99

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<sup>4</sup> 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