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

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| APPROVED BY OMB 3060-0589 | FEDERAL COMMUNICATIONS COMMISSION | READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING |

KELLEY DRYE & WARREN LLP

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April 12, 1999

Federal Communications Commission International Bureau

P.O. Box 358115 Telecommunications Division

Pittsburgh, PA 15251-5115

Attn: Susan O'Connell

Re: Pursuant to Section 214 of the Communications Act of 1934, as Amended, to Between the U.S. and Hong Kong Resell International Private Lines for the Provision of Switched Services Application of Cable & Wireless Global Markets, Inc. for Authority

Dear Sir or Madam:

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

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

Sincerely

Its Attorney foan M. Griffin

JG:nrr

Enclosures

DC01/GRIFJ/78749.1

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

| 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 | CABLE & WIRELESS GLOBAL) MARKETS, INC.) | In the Matter of) |
|--|---|--------------------|
| File No. ITC - | | |

APPLICATION

ends ("international simple resale" or "ISR"). and Hong Kong that are interconnected to the public switched network at one or both hereby requests authority to resell international private line channels between the U.S. ("the Act") and Section 63.18(e)(6) of the Commission's Rules, 47 C.F.R. § 63.18(e)(6), attorneys and pursuant to Section 214 of the Communications Act of 1934, as amended Cable & Wireless Global Markets, Inc. ("CWGM" or "Applicant"), by its

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

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

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

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

(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

CWGM is a corporation organized under the laws of the State of

9

Delaware.

- <u>O</u> 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

AT&T Order at \P 9.

- **a** No. I-T-C-98-474 (granted August 5, 1998). CWGM currently holds limited global resale authority, as granted in File
- **@** the U.S. and Hong Kong for the provision of switched services Commission's Rules, to resell international private line channels between CWGM is applying for authority, pursuant to Section 63.18(e)(6) of the
- (f) No response required.
- 8 Not applicable; CWGM is not seeking facilities-based authority in this Application.
- **E** (1) As evidenced by the certification provided in Attachment A, CWGM Attachment. Also, CWGM is a foreign carrier in Canada. is affiliated with foreign carriers in the countries listed in Annex 1 to that
- interlocking directorates with any other U.S. common carrier. control ten percent or more of C&W plc. At present, CWGM has no telecommunications operations worldwide. There are no shareholders that ("C&W plc"), a company organized under the laws of England and Wales.² C&W plc is a holding company for a number of (2) CWGM is ultimately 100 percent owned by Cable and Wireless plc
- services of C&W USA, as well as the facilities-based international is indirectly affiliated with a U.S. carrier, Cable & Wireless, Inc. ("C&W services of other U.S. carriers. USA"). CWGM proposes to resell the facilities-based international (3) As evidenced by the certification provided in Attachment A, CWGM
- (4) No response required.
- Application. (5) Not applicable; CWGM is not seeking facilities-based authority in this
- (6) Hong Kong is a Member of the WTO.
- Section 43.61(c) of the Commission's Rules. (7) To the extent required, CWGM will file quarterly traffic reports under
- to Hong Kong. (8) CWGM will accept dominant carrier treatment in its provision of ISR

2

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

- \odot and will not enter into such agreements in the future. foreign end of the route to affect competition adversely in the U.S. market route where the foreign carrier possesses sufficient market power on the indirectly from any foreign carrier with respect to any U.S. international certifies that it has not agreed to accept special concessions directly or As evidenced by the certification provided in Attachment A, CWGM
- 9 benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. certifies that no party to this Application is subject to a denial of Federal As evidenced by the certification provided in Attachment A, CWGM
- F the WTO and CWGM will accept dominant carrier treatment. 63.12(c) of the Commission's Rules because Hong Kong is a member of Streamlined processing is appropriate for this Application under Section

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

Respectfully Submitted,

CABLE & WIRELESS GLOBAL MARKETS, INC.

By: Hard Letton
David Sexton³
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

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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:

- 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.
- S. CWGM is affiliated with Cable & Wireless, Inc., a facilities-based U.S carrier whose services CWGM plans to resell.
- 4 into such agreements in the future. 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 CWGM has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where
- 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 Jul David Sexton Chief Executive

Date: 4/12/99

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

Canada Bulgaria Solomon Islands Seychelles

China Falkland Islands Dominica Diego Garcia Cayman Islands St. Lucia St. Kitts & Nevis St. Helena

St. Vincent
Thailand
Tonga
Trinidad & Tobago
Turks & Caicos
United Kingdom
Vaman

Fiji

Jamaica

Indonesia

Grenada Hong Kong