

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:

~~There is no~~ all parts except  
in section A

to be available as demand  
for Hong Kong

F B 1

FIRST UNION NATIONAL BANK  
WASHINGTON, DC

05405

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

April 12, 1999

15-122/540  
00480

PAY TO THE ORDER OF Federal Communications Commission

\$ 780.00

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



MEMO Filing fee 009525.006

⑈005405⑈ ⑆05400⑆ 220⑆ 2000034890853⑈

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

APPROVED BY OMB

3090-0589

(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

(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. 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

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

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

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

SECTION C - PAYMENT INFORMATION

(21A) FCC CALL SIGN/OTHER ID

(20A) PAYMENT TYPE CODE (PTC)

(20B) QUANTITY

(20C) FEE DUE FOR PTC IN BLOCK 2A  
\$ 780.00

(21A) FCC CODE 1

(20A) PAYMENT TYPE CODE (PTC)

(20B) QUANTITY

(20C) FEE DUE FOR PTC IN BLOCK 2B

(118) FCC CALL SIGN/OTHER ID

(20A) PAYMENT TYPE CODE (PTC)

(20B) QUANTITY

(20C) FEE DUE FOR PTC IN BLOCK 2B

(218) FCC CODE 1

(20A) PAYMENT TYPE CODE (PTC)

(20B) QUANTITY

(20C) FEE DUE FOR PTC IN BLOCK 2C

(114) FCC CALL SIGN/OTHER ID

(20A) PAYMENT TYPE CODE (PTC)

(20B) QUANTITY

(20C) FEE DUE FOR PTC IN BLOCK 2C

(214) FCC CODE 1

(20A) PAYMENT TYPE CODE (PTC)

(20B) QUANTITY

(20C) FEE DUE FOR PTC IN BLOCK 2D

(116) FCC CALL SIGN/OTHER ID

(20A) PAYMENT TYPE CODE (PTC)

(20B) QUANTITY

(20C) FEE DUE FOR PTC IN BLOCK 2D

(216) FCC CODE 1

(20A) PAYMENT TYPE CODE (PTC)

(20B) QUANTITY

(20C) FEE DUE FOR PTC IN BLOCK 2D

SECTION D - PAYER INFORMATION (REQUIRED)

(23) PAYER TIN

0 1 3 5 3 3 5 1 0 7

APPLICANT TIN

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT (PRINT NAME) 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

are true and correct to the best of my knowledge, information and belief; SIGNATURE

SECTION F - CREDIT CARD PAYMENT INFORMATION

(22) MASTERCARD

MASTERCARD/AMERICAN EXPRESS ACCOUNT NUMBER

EXPIRATION DATE

MONTH YEAR

VISA

Visa authorization box FCC to charge any Visa or MasterCard for the service (please check appropriate boxes)

AUTHORIZED SIGNATURE

DATE

SEE PUBLIC RUBBER 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.

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BRUSSELS, BELGIUM

HONG KONG

April 12, 1999

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 Various International Points

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/GRUFJ/78697.1

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 Various )  
International Points )

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 Sections 63.18(e)(1),(2), and (6) of the Commission's Rules, 47 C.F.R. §§ 63.18(e)(1),(2), and (6), hereby requests authority to operate as a facilities-based and resale carrier. CWGN seeks authority to serve all international points *except* those countries listed in Attachment A.

CWGN is affiliated with a number of foreign carriers in the countries for which authority is requested in this Application. The countries in which CWGN is affiliated with a foreign carrier and for which authority is requested in this Application are listed in Attachment B. Each of these countries is a Member of the World Trade Organization ("WTO"). Thus, grant of authority to CWGN is appropriate under the rules and policies

established by the Commission in its *Foreign Participation Order*.<sup>1</sup> CWGN notes that in each of the countries in which CWGN is affiliated with a foreign carrier and for which authority is requested in this Application, the settlement rate for IMTS service is within the applicable benchmark as established in the Commission's *Benchmark Settlement Rates Order*.<sup>2</sup>

In a number of the countries for which authority is requested and in which CWGN has a foreign affiliate, the Commission has already found that the foreign affiliate lacks market power. These countries, along with the Commission decisions in which the FCC made its market power determination, are noted in Attachment B. In addition and as also discussed in Attachment B, CWGN notes that in Canada, CWGN is affiliated with a number of other wholly-owned Cable and Wireless companies (such as Cable & Wireless Global Markets, Inc.) that have only recently acquired international resale licenses and that provide international services solely through resale. Since the market share of these companies is less than 10 percent, CWGN qualifies for a presumption of non-dominant treatment on the Canada route under Section 63.10(a)(3) of the Commission's Rules. CWGN requests that the Commission classify CWGN as a non-dominant carrier in its provision of service to these countries, as well as in its provision of service to all countries in which CWGN has no foreign affiliation. In all other countries for which authority is requested, CWGN agrees to accept dominant carrier treatment.

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<sup>1</sup> *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*").

<sup>2</sup> *See International Settlement Rates*, Report and Order, 12 FCC Rcd 19806 (1997) ("*Benchmark Settlement Rates Order*").

CWGN requests that the Commission process this Application in accordance with its streamlined processing procedures. Streamlined processing is appropriate under Section 63.12(a) of the Commission's Rules for service to countries in which CWGN has no affiliate. For service to those countries in which CWGN has an affiliate, streamlined processing is appropriate under Section 63.12(c) of the Commission's Rules, because each of these countries is a member of the WTO, and either the Commission has already found that the foreign affiliate lacks market power, CWGN is entitled to a presumption of non-dominant treatment under Section 63.10(a)(3) of the Commission's Rules, or CWGN agrees to dominant carrier treatment.

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.-UK 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 all international points *except* those locations listed in Attachment A. CWGN seeks this authority pursuant to Section 63.18(e)(6) of the Commission's Rules for service to Hong Kong and Canada.<sup>3</sup> With respect to all other countries, CWGN seeks authority pursuant to Sections 63.18(e)(1) (facilities-based authority) and 63.18(e)(2) (resale authority) 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 C, 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>4</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 C, 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.

<sup>3</sup> CWGN specifically requests that it be allowed to engage in international simple resale ("ISR") on the Hong Kong route. The Commission previously authorized a CWGN affiliate, Hong Kong Telecommunications (Pacific) Limited, to provide this service. See *AT&T Corp.*, Order, Authorization and Certificate, DA 98-2654, rel. Jan. 4, 1999.

<sup>4</sup> The address of C&W plc is 124 Theobalds Road, London WC1X 8RX, England.



- (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) See response to (h)(8) below.
- (8) As discussed in Attachment B, CWGN requests non-dominant treatment in its provision of service to the following countries in which it is affiliated with a foreign carrier. Non-dominant treatment is appropriate on routes to Australia, Japan, and the U.K., because the Commission has already found, as discussed in Attachment B, that CWGN's foreign carrier affiliate in these countries lacks market power. With respect to Canada, as discussed in Attachment B, the Commission has found that one of CWGN's affiliates in this country lacks market power, and the market share of the remaining affiliates is less than 10 percent, thus qualifying CWGN for a presumption of non-dominant treatment under Section 63.10(a)(3). Finally, and as also noted in Attachment B, CWGN accepts dominant carrier treatment in its provision of service to Hong Kong.
- (i) As evidenced by the certification provided in Attachment C, 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 C, 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, for every country for which authority is requested in this Application, either 1) CWGN has no foreign affiliate; 2) CWGN has a foreign affiliate, but the country is a member of the WTO and the FCC has already determined that the foreign affiliate lacks market power; 3) CWGN has a foreign affiliate, but CWGN qualifies for a presumption of non-dominant treatment under Section 63.10(a)(3); or 4) CWGN has a foreign affiliate, but the country is a member of the WTO and CWGN has agreed to accept dominant carrier status.

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

Respectfully Submitted,

**CABLE & WIRELESS GLOBAL  
NETWORKS LIMITED (Inc and)**

By: Anthony Scott  
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: 9/12/99

5  
Pursuant to Section 1.743(b) of the Rules, this Application is  
counsel on its behalf as all representatives of CWGN a

is signed by CWGN's  
are absent from the U.S.

Attachment A

**COUNTRIES FOR WHICH *no authority* IS REQUESTED**

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

**CWGN FOREIGN AFFILIATIONS AND REGULATORY TREATMENT**  
**where authority is requested**

Cable & Wireless Global Networks Limited (Ireland) ("CWGN") is affiliated with foreign carriers in the following countries for which authority is requested in this

Application:

Australia	Japan
Canada	United Kingdom
Hong Kong	

All of the countries listed above are members of the World Trade Organization.

With respect to Australia, Japan, and the U.K., the Commission found CWGN's foreign affiliates in these countries to lack market power in the following decisions, which accorded non-dominant treatment to a related Cable & Wireless company, Cable & Wireless, Inc. ("C&WUSA"). Accordingly, CWGN requests that it be classified as a non-dominant carrier on these routes:

- Australia: *Cable & Wireless, Inc.*, Memorandum Opinion, Order and Certificate, File No. ITC-93-328, DA 97-2554, released Dec. 17, 1997.
- Australia, Japan: *Cable & Wireless, Inc.*, 11 FCC Rcd 21027 (1996) (the "*Canada Order*").
- U.K.: *Cable & Wireless, Inc.*, 11 FCC Rcd 16486 (1996).

With respect to Canada, in the *Canada Order*, the Commission found that one of CWGN's affiliates in Canada, Hong Kong Telecom (Canada) (now Hong Kong Telecommunications (Pacific) Limited), lacks market power and accorded C&WUSA non-dominant treatment. Since the granting of the *Canada Order*, a number of wholly-owned Cable and Wireless companies (such as Cable & Wireless Global Markets, Inc.) have acquired international resale licenses in Canada and have begun providing

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/JS  
Anthony Scott  
General Manager and Director

Date: 4/12/99

<sup>6</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 C

**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
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	