

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: _____

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

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April 26, 1999

FCG/MELTON

APR 26 1999

VIA OVERNIGHT DELIVERY

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

Attention: Troy Tanner, Chief, Policy and Facilities Branch, International Bureau


Re: Application of MainSat Telecommunications, Inc. for Global Authority
Pursuant to Section 214 of the Communications Act of 1934, as amended, to
Operate as an International Facilities-based Carrier and as an International
Resale Carrier

Dear Sir/Madam:

Enclosed for filing with the Commission are an original and six (6) copies of the application of MainSat Telecommunications, Inc., requesting global authority, pursuant to Section 214 of the Communications Act of 1934, as amended, to operate as an international facilities-based carrier and as an international resale carrier between the United States and various international points.

As required by the Commission's Rules, a check in the amount of \$780.00 is enclosed. Please date-stamp the extra copy of this application and return it in the enclosed self-addressed, stamped envelope. Any questions regarding the enclosed application should be addressed to Kathy Cooper.

Respectfully submitted,


Katherine Wang
Kathy Cooper
Counsel for MainSat Telecommunications, Inc.

Enclosures

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING
(1) LOCKBOX # 358115

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE
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) **Soldier Berlin Sharee Eriedman, LLC** (5) TOTAL AMOUNT PAID (DOLLARS AND CENTS) **\$780.00**

(4) STREET ADDRESS LINE NO. 1
3000 K Street, N.W.
(5) STREET ADDRESS LINE NO. 2

(7) STATE **DC** (9) ZIP CODE **20007-5116**
Washington
(9) BATTIME TELEPHONE NUMBER (include area code) **202-424-7816**
(10) COUNTRY CODE (if not in U.S.A.)

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)
Mainsat Telecommunications, Inc.

(12) STREET ADDRESS LINE NO. 1
5544 West Marconi Ave.
(13) STREET ADDRESS LINE NO. 2

(14) CITY **AZ** (16) ZIP CODE **85306**
Phoenix (19) COUNTRY CODE (if not in U.S.A.)
(602) 978-3880

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

(19A) FCC CALL SIGN/OTHER ID **C U T** (21A) QUANTITY **1** (22) IN BLOCK 20A **\$780.00**

(23A) FCC CODE 1 (20B) PAYMENT TYPE CODE (PTC) (21B) QUANTITY (24A) FCC CODE 2 (20C) SEE DUE FOR (STCL) BLOCK (21C) QUANTITY (24B) FCC CODE 2 (20D) SEE DUE FOR (STCL) BLOCK (21D) QUANTITY (24C) FCC CODE 2 (20E) SEE DUE FOR (STCL) BLOCK (21E) QUANTITY (24D) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID (20C) PAYMENT TYPE CODE (PTC) (21C) QUANTITY (24C) FCC CODE 2 (20D) SEE DUE FOR (STCL) BLOCK (21D) QUANTITY (24D) FCC CODE 2 (23B) FCC CODE 1 (20B) PAYMENT TYPE CODE (PTC) (21B) QUANTITY (24B) FCC CODE 2 (20C) SEE DUE FOR (STCL) BLOCK (21C) QUANTITY (24C) FCC CODE 2 (20D) SEE DUE FOR (STCL) BLOCK (21D) QUANTITY (24D) FCC CODE 2 (19D) FCC CALL SIGN/OTHER ID (20E) SEE DUE FOR (STCL) BLOCK (21E) QUANTITY (24E) FCC CODE 2 (20F) SEE DUE FOR (STCL) BLOCK (21F) QUANTITY (24F) FCC CODE 2 (23D) FCC CODE 1 (20F) PAYMENT TYPE CODE (PTC) (21F) QUANTITY (24F) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN **1 3 - 2 6 7 9 6 7 6** (26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2
APPLICANT TIN **0 8 6 0 8 8 2 2 7 6**

SECTION E - CERTIFICATION

I, Kathy Cooper 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 *Kathy Cooper*

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28) MASTERCARD/VISA ACCOUNT NUMBER: _____ EXPIRATION DATE: _____
MASTERCARD VISA MONTH YEAR
I hereby authorize the FCC to charge my VISA or MASTERCARD for the service authorization(s) herein described. AUTHORIZED SIGNATURE _____ DATE _____
SEE PUBLIC BURDEN ESTIMATE ON REVERSE

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

In the Matter of

MAINSAT TELECOMMUNICATIONS, INC.

Application Pursuant to Section
214 of the Communications Act of 1934,
as amended, for Global Authority to Operate
as an International Facilities-Based and
International Resale Carrier

File No. _____

APPLICATION

MainSat Telecommunications, Inc. (“MainSat”), by its undersigned counsel, hereby requests “global” authority pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.18 of the Commission’s Rules, 47 C.F.R. § 63.18 (1996), to provide international telecommunications services between the United States and international points (other than those excluded by the Exclusion List, where applicable). Grant of MainSat’s request will directly further the Commission’s policies of bringing increased competition to the United States international telecommunications services market and is, therefore, in the public interest. Pursuant to 47 C.F.R. § 63.12, this application is eligible for streamlined processing.

Information Required under Section 63.18

As required by Section 63.18 of the Commission's Rules, MainSat submits the following information:

- (a) Name, address and telephone number:
- MainSat Telecommunications, Inc.
5544 West Marconi Avenue
Glendale, AZ 85306
Telephone: (602) 978-3880
Facsimile: (602) 978-1488
- (b) MainSat is a corporation organized under the laws of the State of Delaware.
- (c) Correspondence concerning this application should be sent to:
- Catherine Wang
Kathy Cooper
Swidler Berlin Shreff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Telephone: (202) 424-7816
Facsimile: (202) 424-7645
- with a copy to:
- Vincent Bepler
MainSat Telecommunications, Inc.
5544 West Marconi Avenue
Glendale, AZ 85306
Telephone: (602) 978-3880
Facsimile: (602) 978-1488
- (d) Upon grant of this application, MainSat will become an authorized non-dominant facilities-based carrier and reseller with global authority, subject to Section 214 of the Communications Act of 1934, as amended, and the Commission's Rules. MainSat lacks the market power that would allow it to control prices to the detriment of market competition.

(e) MainSat hereby requests four types of authority, all of which are eligible for streamlined processing.^{1/} Specifically MainSat requests: (1) global facilities-based authority pursuant to Section 63.18(e)(1) of the FCC's Rules, 47 C.F.R. § 63.18(e)(1), to acquire interests in United States-authorized facilities as well as necessary connecting facilities to provide international telecommunications services between the United States and all international points except those countries excluded by the Exclusion List;^{2/} (2) global authority pursuant to Section 63.18(e)(2) of the FCC's Rules, 47 C.F.R. § 63.18(e)(2), to resell the international switched services of all United States-authorized carriers, other than those affiliated carriers with market power on a particular route, to provide international switched services between the United States and all international points served by those carriers; (3) global authority pursuant to Section 63.18(e)(2) of the FCC's rules, 47 C.F.R. § 63.18(e)(2), to resell international private lines to provide international non-interconnected private line services between the United States and all international points; and (4) authority pursuant to Section 63.18(e)(2) of the FCC's Rules, 47 C.F.R. § 63.18(e)(2), to resell international private lines interconnected to the public switched network ("PSN") at one or both ends to provide international switched services on all international routes on which the Commission permits such services to be provided.^{3/}

(f) MainSat seeks authority to provide only services referenced under paragraph (e) of Section 63.18 of the Commission's Rules.

^{1/} See *Streamlining the International 214 Authorization Process and Tariff Requirements*, IB Docket No. 95-118, FCC 96-79 (released March 13, 1996) (adopting streamlined 35-day processing procedures for certain international resale applications) ("*Streamlining Order*"); 47 C.F.R. § 63.12 (1996); see also *Rules and Policies on Foreign Market Participation in the U.S. Telecommunications Market*, IB Docket 97-142, *Report and Order on Reconsideration*, FCC 97-398 at ¶¶ 21, 322-29 (rel. Nov. 27, 1997) ("*Foreign Market Participation Order*").

^{2/} MainSat seeks only authority to own circuits on facilities not excluded by the Exclusion List.

^{3/} The FCC will automatically amend all Section 214 authorizations to permit carriers to resell international private lines to provide international switched services between the United States and other countries as provision of such services becomes permitted by the Commission. See *Streamlining Order* at ¶ 34. Cf. *Foreign Market Participation Order* at ¶¶ 29-86 (declaring that, upon the effective date of the Commission's new rules, carriers reselling international private lines interconnected to the public switched network to provide international switched services between the U.S. and WTO Member countries will no longer have to meet the equivalency test if settlement rates for at least 50 percent of the U.S.-billed traffic on the route or routes in question are at or below the relevant benchmark posted in the Commission's *Benchmarks Order*). Cf. also *International Settlement Rates*, IB Docket 96-261, *Report and Order*, FCC 97-280 (rel. Aug. 18, 1997) ("*Benchmarks Order*").

(g) The authority requested in this application is categorically excluded from environmental processing as defined by Section 1.1306 of the Commission's Rules, 47 C.F.R. § 1.1306. As such, an environmental assessment is not required for purposes of this application and is therefore not attached.

(h) Mainsat certifies that it is not affiliated with any foreign carriers, within the meaning of Section 63.18(h), 47 C.F.R. § 63.18(h), of the Commission's rules.

Mainsat does not have any interlocking directorates to report.

The following individuals and entities hold a ten percent (10%) or greater direct or indirect shareholder or other equity interest in Mainsat:

Name: Vincent Bepler
Address: 5544 West Marconi Avenue
Glendale, AZ 85306
Percentage Held: 100%
Citizenship: U.S.A.
Principal Business: Telecommunications

(i) Pursuant to Section 63.18(i) of the Commission's Rules, 47 C.F.R. § 63.18(i), Mainsat certifies that it has not agreed to accept nor shall it accept in the future any special concessions, as defined by the Commission's Rules, directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows between the United States and any foreign country which it is or may be authorized to serve. Mainsat's certification pursuant to Section 63.18(i) is attached.

(j) Mainsat is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. A certification pursuant to Section 1.2002 of the Commission's Rules (implementing the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 3301) is attached.

(k) Mainsat is not affiliated, as that term is defined by Part 63 of the Commission's Rules and the Commission's recent revisions of Part 63,^{4/} with any dominant United States carriers whose international services it will resell; nor is Mainsat affiliated with any foreign carriers with market power. This application is, accordingly, eligible for streamlined processing.^{5/}

^{4/} *Market Entry and Regulation of Foreign-affiliated Entities, Report & Order*, 11 FCC Rcd 3873 (1995).

^{5/} *See Streamlining Order*, 47 C.F.R. § 63.12 (1996).

CONCLUSION

For the reasons stated above, MainSat Telecommunications, Inc. respectfully submits that the public interest, convenience and necessity would be furthered by a grant of this Section 214 application.

Respectfully submitted,

By:


Katherine Wang

Kathy Cooper

Swidler Berlin Shereff Friedman, LLP

3000 K Street, N.W., Suite 300

Washington, D.C. 20007

Telephone: (202) 424-7816

Facsimile: (202) 424-7645

Counsel for MainSat Telecommunications, Inc.

Dated: April 26, 1999

CERTIFICATION OF APPLICANT

On behalf of MainSat Telecommunications, Inc., and in accordance with Section 1.2001-1.2003 of the Commission's Rules, 47 C.F.R. §§ 1.2001-1.2003, I hereby certify that no party to this application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. See 21 U.S.C. § 853a. I also hereby certify that the statements in the foregoing Application for Section 214 authority are true, complete, and correct to the best of my knowledge and are made in good faith.

MainSat Telecommunications, Inc. has not agreed to accept nor shall it accept in the future any special concessions, as defined by the Commission's Rules, directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows on 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.

MAINSAT TELECOMMUNICATIONS, INC.

By:  _____

Name: VINCENT C. BEPKO

Title: President

Date: April 25, 1999