

**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: \_\_\_\_\_

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

FCC/MELOM  
APR 29 1999

In the Matter of

XpressCom, Inc.

Application for Authority Pursuant to  
Section 214 of the Communications Act  
of 1934, as Amended, for Global Authority  
to Operate as an International  
Facilities-Based and Resale Carrier ) File No. I-T-C-\_\_\_\_\_  
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APPLICATION

XpressCom, Inc ("XpressCom"), by the undersigned counsel, hereby requests authority, pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. §214 (1982), and Section 63.18 of the Commission's Rules, 47 C.F.R. §63.18 (1996), to provide global international facilities-based and resale services between the United States and international points. XpressCom respectfully requests streamlined, expedited treatment of this application, pursuant to the Commission's Report and Order, released November 6, 1992, ¶¶38-40, in CC Docket No. 91-360, In the Matter of Regulation of International Common Carrier Services, 7 FCC Rcd. 7331 (1992), and Section 63.12 of the Commission's Rules, 47 C.F.R. §63.12.<sup>1</sup> Because grant of this Application will further enhance

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<sup>1</sup> The Commission has further streamlined its Section 214 application processing procedures in 1998 Biennial Regulatory Review - Review of International Common Carrier Regulations, IB Docket No. 98-118, FCC 99-51 (released March 23, 1999), with such regulations to become effective on May 26, 1999.

competition in the international services market, XpressCom submits that the public interest, convenience and necessity would be served by a grant of this Application.

**I.**

**INFORMATION REQUIRED BY SECTION 63.18**

In support of XpressCom's request for Section 214 authority, the following information is submitted pursuant to Section 63.18 of the Commission's Rules, 47 C.F.R.

§63.18:

- (a) Name and Address of Applicant  
XpressCom, Inc.  
38 Chauncy Street  
Boston, MA 02111  
Telephone: (617) 747-4515  
Facsimile: (617) 747-4517
- (b) XpressCom is a corporation organized under the laws of the State of Massachusetts.
- (c) Correspondence concerning this application should be sent to:  
Theresa Tsoi  
XpressCom, Inc.  
38 Chauncy Street  
Boston, MA 02111  
Telephone: (617) 747-4515  
Facsimile: (617) 747-4517

with a copy to:

Hunter Communications Law Group, P.C.  
1620 I Street, N.W., Suite 701  
Washington, D.C. 20006  
Telephone: (202) 293-2500  
Facsimile: (202) 293-2571  
Attention: Catherine M. Hannan



- (d) XpressCom has not previously received authority under Section 214. Following receipt of the Section 214 authority requested herein, XpressCom will provide international basic switched, private line, data, television and business services by acquiring and operating common carrier and non-common carrier facilities. XpressCom will also provide international basic switched, private line, data, television and business services by reselling the international services of authorized U.S. common carriers.<sup>2</sup> Pursuant to Section 63.07 of the Commission's Rules, 47 C.F.R. §63.07, and the policies announced by the Commission in its Second Report and Order in Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Therefor,<sup>3</sup> XpressCom is authorized to operate as a nondominant domestic interstate common carrier.
- (e) XpressCom is requesting Section 214 authority to operate as a facilities-based carrier pursuant to the terms and conditions of Sections 63.18(e)(1) and 63.21, 47 C.F.R. §§63.18(e)(1), 63.21; and to operate as a resale carrier pursuant to the terms and conditions of §63.18(e)(2), 47 C.F.R. §63.18.

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<sup>2</sup> The Commission allows carriers to resell international switched or private line services via all authorized carriers except U.S. facilities-based affiliates regulated as dominant on routes the reseller seeks to serve, no longer requiring the designation of any particular carrier. Streamlining the International Section 214 Authorization Process and Tariff Requirements, Report and Order, 11 FCC Rcd. 12884, ¶125 (1996).

<sup>3</sup> 91 F.C.C.2d 187 (1982), recon. denied, 93 F.C.C.2d 54 (1983), Third Report and Order, 48 Fed. Reg. 46,791 (1983), Fourth Report and Order, 95 F.C.C.2d 554 (1983), rev'd and remanded sub nom., American Tel. & Tel. v. FCC, 978 F.2d 7272 (D.C.Cir. 1992), cert. denied, S.Ct. Docket # 92-1684,61 U.S.L.W. 3853 (June 21, 1993), Fifth Report and Order, 98 F.C.C.2d 1191 (1984), Sixth Report and Order, 99 F.C.C.2d 1020 (1985), rev'd and remanded sub nom., MCI Telecommunications Corp. v. FCC, 765 F.2d 1186 (D.C.Cir. 1985).

- (f) XpressCom is applying for authority to operate as a facilities-based carrier and to provide on a resold basis the international services of authorized U.S. common carriers for the provision of international basic switched, private line, data, television and business services to all international points. XpressCom will not furnish switched services over private lines between the United States and countries which are not World Trade Organization Members or countries which do not satisfy Commission-imposed benchmark settlement rate conditions or which have not been determined by the Commission to afford resale opportunities equivalent to those available under U.S. law.<sup>4</sup>
- (g) Not applicable.
- (h) XpressCom is not, and has no affiliation with, a foreign carrier, as those terms are defined in §§63.18(h)(1)(i) and (ii), respectively, 47 C.F.R. §§63.18(h)(1)(i), (ii). Ownership information regarding holders of ten percent (10%) or greater interests in XpressCom is attached hereto as Exhibit A.

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<sup>4</sup> The Commission has adopted a standard eliminating the equivalency test for carriers seeking to provide switched services over private lines between the United States and World Trade Organization (WTO) Members. WTO Members are those countries that are signatories to the February 1997 WTO Basic Telecommunications Agreement. The equivalency test, however, remains part of the Commission's standard for permitting the provision of switched services over private lines, whether facilities-based or through resale, for those countries that are not WTO Members and those countries which do not satisfy Commission-imposed benchmark settlement rate conditions or which have not been determined by the Commission to afford resale opportunities equivalent to those available under U.S. law. In the Matter of Rules and Policies on Foreign Participation in the U.S. Telecommunications Market: Market Entry and Regulation of Foreign-Affiliated Entities, Report and Order and Order on Reconsideration, 12 FCC Rcd. 23891, ¶¶124-132 (1997).

(i) XpressCom certifies that it has not agreed to accept special concessions, as defined in §63.18(i)(1), 47 C.F.R. §63.18(i)(1), directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows between the U.S. and any foreign country which XpressCom may serve under authority granted under Section 214. XpressCom further certifies that it will not enter into such agreements in the future.

(j) In accordance with the Anti-Drug Abuse Act of 1988, see 21 U.S.C. §853a, the certification of XpressCom is attached hereto in Exhibit B. See 47 C.F.R. §1.2001, et seq.

## II.

### Public Interest Statement

The public interest, convenience and necessity will be served by a grant of this Application. Clear Commission policies favor competition in general<sup>5</sup> and international competition in particular.<sup>6</sup> The Commission has long recognized that facilities-based and resold telecommunications services generate additional competition in the international telecommunications marketplace and that such increased competition benefits U.S. ratepayers.<sup>7</sup> The Commission has held that authority to provide these services will serve the

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<sup>5</sup> Resale and Shared Use of Common Carrier Services, 60 F.C.C.2d 261 (1976), recon. 62 F.C.C.2d 588 (1977), aff'd sub nom. American Tel. & Tel. Co. v. FCC, 572 F.2d 17 (2d Cir.), cert. denied, 439 U.S. 875 (1978); Resale and Shared Use of Common Carrier Services, 83 F.C.C.2d 167 (1980), recon. 86 F.C.C.2d 820 (1981).

<sup>6</sup> Regulation of International Accounting Rates, Phase II, 7 FCC Rcd. 559 (1990).

<sup>7</sup> Via USA, Ltd. and Telegroup, Inc., FCC 94-86, File Nos. I-F-C-93-031 & I-T-C-93-050 (May 11, 1994), recon., 10 FCC Rcd. 9540, released June 15, 1995.



public interest by aiding the "efficient and rapid provision of international services."<sup>8</sup> It is for this reason that the Commission routinely grants applications for Section 214 authorization to provide facilities-based and resold international services. Indeed, in furtherance of its international pro-competitive goals, the Commission has streamlined the application process for unopposed applications for Section 214 resale authority.<sup>9</sup> Grant of this Application is consistent with the Commission's ongoing efforts to increase competition in the international telecommunications marketplace.

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<sup>8</sup> Direct Net Telecommunications Application for Authorization Pursuant to Section 214 of the Communications Act of 1934, as Amended, to Provide Facilities-Based and Resold Switched and Private Line Services Between the United States and All International Points ("Order, Authorization and Certificate"), ITC-97-094, DA 97-938 (released May 6, 1997).

<sup>9</sup> See 47 C.F.R. § 63.12.

### III.

#### CONCLUSION

By reason of the foregoing, XpressCom submits that the public interest, convenience and necessity would be served by grant of this Application for 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, to provide global international and resale services between the United States and international points.

Respectfully submitted,

**XPRESSCOM, INC.**

By: 

Catherine M. Hannan  
Hunter Communications Law Group, P.C.  
1620 I Street, N.W., Suite 701  
Washington, D.C. 20006  
(202) 293-2500

April 29, 1999

Its Attorneys



**EXHIBIT A**

**OWNERSHIP INFORMATION OF  
XPRESSCOM, INC.**

**Holder of Ten Percent or  
Greater Ownership Interests in  
XpressCom, Inc.**

Name:	Theresa Tsoi
Address:	2 Deerfield Road Hingham, MA 02403
Citizenship:	USA
Principal Business:	Telecommunications

**EXHIBIT B**

**DRUG CERTIFICATION AND VERIFICATION OF  
XPRESSCOM, INC.**



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

**SECTION 1.2001 CERTIFICATION**

On behalf of XpressCom, 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 neither XpressCom, Inc., nor any party to this application is subject to a denial of Federal benefits that includes Federal Communications Commission benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. See 21 U.S.C. § 8539.

**XPRESSCOM, INC.**

By:   
Theresa Tsui, President

Date: 4/27/99

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

STATE OF MASSACHUSETTS )  
 ) ss.  
COUNTY OF BOSTON )

**VERIFICATION**

I, Theresa Tsoi, President of XpressCom, Inc., am authorized to make this verification on behalf of XpressCom, Inc. The statements made in the foregoing document are true, complete, and correct to the best of my knowledge and are made in good faith.

**XPRESSCOM, INC.**

By: \_\_\_\_\_  
*Theresa Tsoi*  
Theresa Tsoi, President

Subscribed and sworn to before me, in and for the State and County named above this 21<sup>st</sup> day of April, 1999.

**HUNG T. GOON**  
Notary Public  
My Comm. Expires Dec. 4, 2003

My Commission expires \_\_\_\_\_

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*Hung T. Goon*  
Notary Public