# Categories of Services for 214 Applications (Streamline/Non-streamline)

Description of Application:	☐ SUBMARINE CABLE LANDING LICENSE☐ ☐ INTERNATIONAL SPECIAL PROJECT	□ SWITCHED RESALE SERVICE □ TRANSFER OF CONTROL	☐ LIMITED GLOBAL RESA: ☐ INMARSAT AND MOBILE	GLOBAL RESALE SERVICE  LIMITED GLOBAL FACILIT	☐ LIMITED GLOBAL FACILIT:		☐ GLOBAL RESALE SERVICE	GLOBAL	☐ ASSIGNMENT OF LICENSE☐☐☐ GLOBAL FACILITIES-BASED☐
Lon:	DING LICENSE  AL PROJECT	VICE	RESALE SERVICE OBILE SATELLITE SERVICE	RESALE SERVICE GLOBAL FACILITIES-BASED SERVICE	LIMITED GLOBAL FACILITIES-BASED SERVICE/LIMITED	BASED SERVICE	CH		SE ASED SERVICE

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING Washington, D.C.
(9) DAYTIME TELEPHONE NUMBER (Include area code) Kelley Drye P.O. Box 9896 ZJA) FCC COOE 1 19C) FCC CALL SIGN/OTHER ID Hong 230) FCC CODE 19D) FCC CALL SIGNOTHER ID Hong Kong Telecommunications are true and correct to the best of my knowledge, infomation and belief. **PAYER TIN** 852-28830580 1200 19th Street, SECTION F

MASTERCARDIVISA ACCOUNT NUMBER: COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C) Joan J. Griffin MASTERCARD Kong 955-9600 hereby authorize the FCC to charge my VISA or MASTERCARD 358,115 IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION

JE MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

SECTION B - APPLICANT INFORMATION

SECTION B - APPLICANT INFORMATION çn 1/20A) PAYMENT TYPE GPO Warren LLP 0 1 N. W. , SECTION (200) PAYMENT TYPE CODE (PTC) w Suite 5 w D (Pacific) 500 S FEDERAL COMMUNICATIONS COMMISSION TAXPAYER S SECTION A - PAYER INFORMATION \_ REMITTANCE ADVICE Certify under penalty of perjury that the foregoing and supporting information AUTHORIZED SIGNATURE 0 Limited (218) QUANTITY (7) STATE (10) COUNTRY CODE (if not in U.S.A.) (15) STATE (13) COUNTRY CODE (if not in U.S.A.) INFORMATION (28) COMPLETE THIS BLOCK ONLY IF **APPLICANT** PAYMENT INFORMATION INFORMATION FCC 20A FCC (228) FEE DUE FOR (PTC) IN BLOCK 208 (22D) FEE DUE FOR (PTC) IN BLOCK 20D (22C) FEE DUE FOR (PTC) IN BLOCK 20C 780.00 SIGNATURE I (REQUIRED) (8) ZIP CODE 780.00 20036 SPECIAL USE FCC USE ONLY NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2) 0 XPIRATION DATE: APPROVED BY OMB CC USE ONLY W 3060-0589

for the service(s)/authorizations(s) herein described

#### **KELLEY DRYE & WARREN LLP**

FIRST UNION NATIONAL BANK WASHINGTON, DC

005530

1200 19TH STREET, N.W. WASHINGTON, DC 20036

68-122/540 00480

May 27, 1999

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### KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

1200 19TH STREET, N.W.

SUITE 500

WASHINGTON, D. C.

20036

(202) 955-9600

CHICAGO, IL. MIAMI, FL. LOS ANGELES, CA.

NEW YORK, N.Y.

PARSIPPANY, N.J. STAMFORD, CT.

BRUSSELS, BELGIUM

HONG KONG

AFFILIATED OFFICES
NEW DELHI, INDIA
TOKYO, JAPAN

(202) 955-9792 FACSIMILE

WRITER'S DIRECT LINE (202) 955-9786

June 1, 1999

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

Federal Communications Commission - The Portals Magalie R. Salas, Secretary Washington, DC 20554 445 12th Street, S.W., Room 8-C723

Re: as Amended, to Operate as a Resale Carrier Between the U.S. and Jamaica and Between the Application for Authority Under Section 214 of the Communications Act of 1934, U.S. and St. Kitts and Nevis

To the Commission:

return it in the envelope provided. Also enclosed is a check in the amount of \$780.00 for the a duplicate of this filing and a return envelope. Please date-stamp the duplicate upon receipt and submits for filing an original and five (5) copies of its above-captioned application. Enclosed is Hong Kong Telecommunications (Pacific) Limited, by its attorneys, hereby

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

Sincerely,

Its Attorney

Joan M. Griffin

DC01/GRIFJ/82720.1 JG:nrr **Enclosures** 

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

#### APPLICATION

to serve Jamaica and St. Kitts and Nevis in this Application. its attorneys and pursuant to Section 214 of the Communications Act of 1934, as 63.18(e)(4), hereby requests authority to operate as a resale carrier. HKTP seeks authority amended ("the Act") and Section 63.18(e)(4) of the Commission's Rules, 47 C.F.R. § Hong Kong Telecommunications (Pacific) Limited ("HKTP" or "Applicant"), by

is appropriate under the rules and policies established by the Commission in its Foreign Members of the World Trade Organization ("WTO"). Thus, grant of authority to HKTP and Nevis Telecommunications, Ltd. in St. Kitts and Nevis. However, both countries are Participation Order. In addition, HKTP notes that the Commission recently granted HKTP is affiliated with Cable & Wireless Jamaica in Jamaica and with St. Kitts

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) (rel. Nov. 26, 1997) ("Foreign Participation Order").

in this Application providing any other service.3 HKTP requests and accepts the same regulatory treatment U.S. carriers regulated as dominant on the route), and (2) dominant, if these carriers are through the resale of other U.S.-authorized carriers' switched services (except affiliated on these routes as (1) non-dominant, if these carriers are providing only switched services Commission regulated C&WUSA and C&W Card Services in their provision of service Card Services") to provide service on these routes. In the C&WUSA Order, Wireless, Inc. ("C&WUSA") and Cable & Wireless Global Card Services, Inc. ("C&W facilities-based and resale authority to two other Cable & Wireless companies, Participation Order. In addition, HKTP notes that the Commission recently granted Cable &

of these affiliates' market power the regulatory treatment that the Commission has already found to be appropriate in light determined the market power of HKTP's affiliates in the countries, and HKTP will accept its streamlined processing procedures. Section 63.12(c) of the Commission's Rules, because the Commission has already HKTP requests that the Commission process this Application in accordance with Streamlined processing is appropriate under

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

(a) The name and address of the Applicant is:

<sup>2</sup> See Cable & Wireless, Inc., Order, Authorization and Certificate, DA 98-1887, rel. Sept. 18, 1998 (hereinafter the "C&WUSA Order"). 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) (rel. Nov. 26, 1997) ("Foreign Participation Order").

<sup>3</sup> Id. at ¶¶ 25-26.

Hong Kong Telecommunications (Pacific) Limited P. O. Box 9896 GPO
Hong Kong

- 3 HKTP is a corporation organized and existing under the laws of Hong Kong.
- <u></u> Correspondence concerning this Application should be sent to:

Keith Harrison
Director of International
Hong Kong Telecom
P. O. Box 9896 GPO
Hong Kong
Phone: 852-28830580

With copy to:

Fax: 852-29626202

Philip V. Permut
Joan M. Griffin
Kelley Drye & Warren LLP
1200 19th Street, N.W.
Suite 500
Washington, DC 20036

Phone: 202-955-9600 Fax: 202-955-9792

- **a** the U.S. and Hong Kong). File No. I-T-C-214-19980930-00689 (international simple resale authority on services of U.S. facilities-based carriers for the provision of service between (authority to resell the switched services and non-interconnected private line the U.S. - Hong Kong route); and File No. I-T-C-214-19981218-00880 for the provision of non-telephonic services between the U.S. and Hong Kong); following file numbers: File No. I-T-C-98-196 (authority to resell private lines The Commission granted HKTP authority under Section 214 of the Act in the
- **@** the certification provided in Attachment A, HKTP certifies that it will comply pursuant to Section 63.18(e)(4) of the Commission's Rules. As evidenced by of service to Jamaica and St. Kitts and Nevis. HKTP seeks this authority HKTP is applying for authority to operate as a resale carrier for the provision Commission's Rules. with the terms and conditions of Sections 63.21 and 63.22 of the
- (f) No response required

- 9 Not applicable; HKTP is not seeking facilities-based authority in this
- E international telecommunications services in the People's Republic of China shares of Hong Kong Telecom. CTHKG is a holding company and a Hong Group Limited ("CTHKG") owns approximately 13 percent of the outstanding telecommunications operations worldwide. China Telecom (Hong Kong) under the laws of England and Wales, holds approximately 54 percent of Hong Kong Telecom. C&W plc is holding company for a number of Kong corporation. Various companies related to CTHKG provide mobile and corporation.4 holding company, Hong Kong Telecom, which is also a Hong Kong The registered shareholders of HKTP are two holding companies, Hong Kong corporation. HKTN and HKTE are each wholly-owned subsidiaries of another Kong Telecommunications (Nominees) Limited ("HKTN"), a Hong Kong Telecom Enterprises Limited ("HKTE"), a Hong Kong corporation, and Hong Cable and Wireless plc ("C&W plc"), a corporation organized

The following individuals are interlocking directors of HKTP:

Linus Wing-lam Cheung Alistair Grieve

 $\odot$ that it is a foreign carrier in Canada. HKTP also certifies that it is affiliated As evidenced by the certification provided in Attachment A, HKTP certifies with foreign carriers that operate in the countries listed in Attachment A.

(j) and

- 乏 As evidenced by the certification provided in Attachment A, every country for foreign affiliate is a member of the WTO. which authority is requested in this Application and in which HKTP has a
- $\Theta$ traffic reports under Section 43.61(c) of the Commission's Rules. See response to (m) below. To the extent required, HKTP will file quarterly
- (E) resale of other U.S.-authorized carriers' switched services (except affiliated dominant, if these carriers are providing only switched services through the their provision of service to Jamaica and St. Kitts and Nevis as (1) non-As noted previously, in the C&WUSA Order, the Commission regulated two U.S. carriers regulated as dominant on the route), and (2) dominant, if these other Cable & Wireless companies, C&WUSA and C&W Card Services, in

S

The address of HKTE, HKTN, and Hong Kong Telecom is the same as that of HKTP.

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

- regulatory treatment in this Application. carriers are providing any other service. HKTP requests and accepts the same
- E route to affect competition adversely in the U.S. market and will not enter into foreign carrier possesses sufficient market power on the foreign end of the As evidenced by the certification provided in Attachment A, HKTP certifies such agreements in the future. any foreign carrier with respect to any U.S. international route where the that it has not agreed to accept special concessions directly or indirectly from
- 9 pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. that no party to this Application is subject to a denial of Federal benefits As evidenced by the certification provided in Attachment A, HKTP certifies
- Ð appropriate in light of these affiliates' market power. accept the regulatory treatment that the Commission has already found to be the market power of HKTP's affiliates in these countries, and HKTP will of the Commission's Rules because the Commission has already determined Streamlined processing is appropriate for this Application under Section 63.12

For the reasons stated herein, the Commission should grant the authority

requested in this Application.

Respectfully Submitted,

HONG KONG TELECOMMUNICATIONS (PACIFIC) LIMITED

By:

Philip V. Permut Joan M. Griffin Kelley Drye & Warren Ilp 1200 19th Street, N.W. Suite 500

Its Attorneys

Washington, D.C. 20036 (202) 955-9600

Date: May 28, 1999

Pursuant to Section 1.743(b) of the Commission's Rules, this Application is signed by HKTP's counsel on its behalf as all HKTP representatives that are authorized to sign the Application are absent from the U.S.

#### CERTIFICATION

The undersigned hereby certifies, on behalf Hong Kong Telecommunications

(Pacific) Limited ("HKTP"), that:

- 1. HKTP is a foreign carrier in Canada
- 2 HKTP is affiliated with foreign carriers that operate in the countries listed in Annex 1 to this Certification.
- .w of the Commission's Rules.. HKTP will comply with the terms and conditions of Sections 63.21 and 63.22
- 4. and St. Kitts and Nevis are members of the WTO. HKTP is affiliated with Cable & Wireless Jamaica in Jamaica and with St. Kitts and Nevis Telecommunications in St. Kitts and Nevis. Both Jamaica
- 5 route to affect competition adversely in the U.S. market and will not enter into such agreements in the future. foreign carrier possesses sufficient market power on the foreign end of the any foreign carrier with respect to any U.S. international route where the HKTP has not agreed to accept special concessions directly or indirectly from
- 0 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: Philip V. Permu

Joan M. Griffin

Date: May 28, 1999

signed by HKTP's counsel on its behalf as all HKTP representatives that are authorized to sign the Application are absent from the U.S. Pursuant to Section 1.743(b) of the Commission's Rules, this Application is

#### 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 Barbados **Ascension Island** Antigua Australia

Russia

Philippines Panama Pakistan

Seychelles

British Virgin Islands Bermuda

Canada Bulgaria

China Cayman Islands

Diego Garcia

Tonga

Thailand St. Vincent St. Lucia

St. Kitts & Nevis

St. Helena

Solomon Islands

Dominica

Falkland Islands

Grenada

Vanuatu

United Kingdom Turks & Caicos Trinidad & Tobago

Hong Kong Indonesia

Jamaica

Macao Japan

Maldives

Montserrat

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