

**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: _____

KELLEY DRYE & WARREN LLP

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

FIRST UNION NATIONAL BANK
WASHINGTON, DC

68-122/540 00480

005530

May 27, 1999

PAY
TO THE
ORDER OF Federal Communication Commission

\$ 780.00

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

Darryl E. Alan MP

MEMO Filing fee 031829.001

SECURITY FEATURES INCLUDED. DETAILS ON THE BACK

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June 1, 1999

Federal Communications Commission
International Bureau
Telecommunications Division
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Magalie R. Salas, Secretary
Federal Communications Commission - The Portals
445 12th Street, S.W., Room 8-C723
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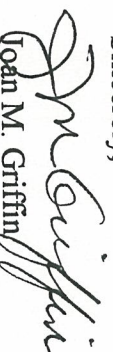
Re: **Application for Authority Under Section 214 of the Communications Act of 1934,
as Amended, to Operate as a Resale Carrier Between the U.S. and Jamaica and Between the
U.S. and St. Kitts and Nevis**

To the Commission:

Hong Kong Telecommunications (Pacific) Limited, 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:mr
Enclosures

DC01/GRIFJ/82720.1

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

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

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

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

¹ *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*”).

² See *Cable & Wireless, Inc.*, Order, Authorization and Certificate, DA 98-1887, rel. Sept. 18, 1998 (hereinafter the “*C&WUSA Order*”).

³ *Id.* at ¶¶ 25-26.

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

- (b) HKTP is a corporation organized and existing under the laws of Hong Kong.
- (c) 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
Fax: 852-29626202

With copy to:

Philip V. Permut
Joan M. Griffin
Kelley Drye & Warren LLP
1200 19th Street, N.W.
Suite 500
Washington, DC 20036
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Fax: 202-955-9792

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

(g) Not applicable; HKTP is not seeking facilities-based authority in this Application.

(h) The registered shareholders of HKTP are two holding companies, Hong Kong Telecom Enterprises Limited ("HKTE"), a Hong Kong corporation, and Hong Kong Telecommunications (Nominees) Limited ("HKTN"), a Hong Kong corporation. HKTN and HKTE are each wholly-owned subsidiaries of another holding company, Hong Kong Telecom, which is also a Hong Kong corporation.⁴ Cable and Wireless plc ("C&W plc"), a corporation organized under the laws of England and Wales, holds approximately 54 percent of Hong Kong Telecom.⁵ C&W plc is holding company for a number of telecommunications operations worldwide. China Telecom (Hong Kong) Group Limited ("CTHKG") owns approximately 13 percent of the outstanding shares of Hong Kong Telecom. CTHKG is a holding company and a Hong Kong corporation. Various companies related to CTHKG provide mobile and international telecommunications services in the People's Republic of China.

The following individuals are interlocking directors of HKTP:

Linus Wing-lam Cheung
Alistair Grieve

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

(j) and
(k) As evidenced by the certification provided in Attachment A, every country for which authority is requested in this Application and in which HKTP has a foreign affiliate is a member of the WTO.

(l) See response to (m) below. To the extent required, HKTP will file quarterly traffic reports under Section 43.61(c) of the Commission's Rules.

(m) As noted previously, in the *C&WUSA Order*, the Commission regulated two other Cable & Wireless companies, C&WUSA and C&W Card Services, in their provision of service to Jamaica and St. Kitts and Nevis as (1) non-dominant, if these carriers are providing only switched services through the resale of other U.S.-authorized carriers' switched services (except affiliated U.S. carriers regulated as dominant on the route), and (2) dominant, if these

⁴ The address of HKTE, HKTN, and Hong Kong Telecom is the same as that of HKTP.

⁵ The address of C&W plc is 124 Theobalds Road, London WC1X 8RX, England.

carriers are providing any other service. HKTP requests and accepts the same regulatory treatment in this Application.

(n) As evidenced by the certification provided in Attachment A, HKTP 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.

(o) As evidenced by the certification provided in Attachment A, HKTP 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.

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

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 LLP
1200 19th Street, N.W.

Suite 500

Washington, D.C. 20036

(202) 955-9600

Its Attorneys

Date: May 28, 1999

6 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.
3. HKTP will comply with the terms and conditions of Sections 63.21 and 63.22 of the Commission's Rules..
4. HKTP is affiliated with Cable & Wireless Jamaica in Jamaica and with St. Kitts and Nevis Telecommunications in St. Kitts and Nevis. Both Jamaica and St. Kitts and Nevis are members of the WTO.
5. HKTP 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.
6. 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. Permut
Joan M. Griffin

Date: May 28, 1999

⁷ 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.

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	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	