

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

- LIMITED/GLOBAL RESALE SERVICE
- LIMITED/GLOBAL FACILITIES-BASED SERVICE
- LIMITED/GLOBAL FACILITIES-BASED/RESALE SERVICE
- INDIVIDUAL FACILITIES-BASED SERVICE
- INTERCONNECTED PRIVATE LINE RESALE SERVICE
- INMARSAT AND MOBILE SATELLITE SERVICE
- INTERNATIONAL SPECIAL PROJECT
- SWITCHED RESALE SERVICE
- TRANSFER OF CONTROL
- ASSIGNMENT OF LICENSE
- PRO FORMA TRANSFER/ASSIGNMENT
- SPECIAL TEMPORARY AUTHORITY
- SUBMARINE CABLE LANDING LICENSE

Description of Application: \_\_\_\_\_

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**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

1200 19<sup>TH</sup> STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

FACSIMILE

(202) 955-9792

NEW YORK, NY

LOS ANGELES, CA

MIAMI, FL

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

(202) 955-9600

DIRECT LINE (202) 955-9786

E-MAIL: jgriffin@kelleydrye.com

BRUSSELS, BELGIUM

HONG KONG

December 17, 1999

AFFILIATE OFFICES

BANGKOK, THAILAND

JAKARTA, INDONESIA

MANILA, THE PHILIPPINES

MUMBAI, INDIA

TOKYO, JAPAN

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

Re: **Application of Deutsche Telekom, Inc. for Authority Pursuant to Section 214  
of the Communications Act of 1934, as Amended, to Operate as a Facilities-  
Based Carrier Between the U.S. and Germany**

To Whom It May Concern:

Deutsche Telekom, Inc., 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:nr

Enclosures

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

In the Matter of

**DEUTSCHE TELEKOM, INC.**

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)

File No. ITC - \_\_\_\_\_

**Application for Authority Under  
Section 214 of the Communications  
Act of 1934, as Amended, to Operate  
as a Facilities-Based Carrier Between the  
U.S. and Germany**

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**APPLICATION**

Deutsche Telekom, Inc. ("DTT" or "Applicant"), by its attorneys and pursuant to Section 214 of the Communications Act of 1934, as amended ("the Act") and Section 63.18(e)(4) of the Commission's Rules, 47 C.F.R. § 63.18(e)(4), hereby requests authority to operate as a facilities-based carrier for the provision of service between the U.S. and Germany.

DTT is a wholly-owned subsidiary of Deutsche Telekom AG ("DTAG"), a foreign carrier in Germany. Germany is a Member of the World Trade Organization ("WTO"), and thus grant of authority to DTT is appropriate under the rules and policies established by the Commission in its *Foreign Participation Order*.<sup>1</sup> DTT will accept dominant carrier treatment on the U.S.-Germany route.

DTT requests that the Commission process this Application in accordance with its streamlined processing procedures. Streamlined processing is appropriate under Section

63.12(c)(1)(v) of the Commission's Rules because Germany is a member of the WTO, and DTI agrees to dominant carrier treatment.

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

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

Deutsche Telekom, Inc.  
1020 – 19<sup>th</sup> Street, N.W., Suite 850  
Washington, D.C. 20036  
Phone: (202) 452-9100

(b) DTI is a corporation organized and existing under the laws of the State of Delaware.

(c) Correspondence concerning this Application should be sent to:

Andreas Tegge  
Managing Director  
Deutsche Telekom, Inc.  
1020 – 19<sup>th</sup> Street, N.W., Suite 850  
Washington, D.C. 20036  
Phone: 202-452-9100  
Fax: 202-452-9555

With copy to:

Robert J. Aamoth  
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

(d) DTI has not previously received authority under Section 214 of the Act.

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{...continued}

*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*").

- (e) DTI is applying for authority to operate as a facilities-based carrier for the provision of service to Germany pursuant to Section 63.18(e)(4) of the Commission's Rules. Specifically, DTI seeks authority to provide services and use facilities as generally described in Section 63.22 of the Commission's Rules. As evidenced by the certification provided in Attachment A, DTI 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) DTI will use previously authorized facilities in providing its services and thus this Application is categorically excluded from environmental processing under Section 1.1306 of the Commission's Rules.
- (h) As noted previously, DTI is a wholly-owned subsidiary of DTAG. DTAG is a corporation organized under the laws of Germany and the primary provider of telecommunications services in Germany.<sup>2</sup> The only 10 percent or greater shareholders of DTAG are the Federal Republic of Germany (the "Federal Republic"), which holds approximately 43.7 percent of the stock, and the Kreditanstalt für Wiederaufbau ("KfW"), which holds approximately 21.6 percent of the stock. KfW is a corporation organized under the laws of Germany whose principal business is development banking.<sup>3</sup> The only 10 percent or greater shareholders of KfW are the Federal Republic (80 percent) and the German state governments (20 percent). The following individual is an interlocking director of DTI: Paul Grosse.
- (i) As evidenced by the certification provided in Attachment A, DTI certifies that it is affiliated with entities that may or may not be considered foreign carriers that operate in the countries listed in Attachment A.
- (j) As evidenced by certification provided in Attachment A, DTI's parent company, DTAG, is a carrier in Germany. Other subsidiaries of DTAG provide service in Germany as well.
- (k) Germany is a member of the WTO.
- (l) Not applicable; DTI is not seeking resale authority in this Application.
- (m) DTI will accept dominant carrier treatment.
- (n) As evidenced by the certification provided in Attachment A, DTI 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

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<sup>2</sup> The postal address of DTAG is Postfach 20 00, 53105 Bonn, Germany.

<sup>3</sup> The address of KfW is Palmgartenstrasse 5-9, 60325 Frankfurt, Germany.

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, DTI 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 (c)(1)(v) of the Commission's Rules because Germany is a member of the WTO and DTI has agreed to accept dominant carrier status.

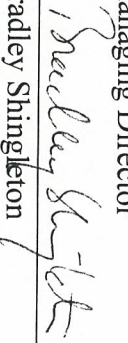
For the reasons stated herein, the Commission should grant the authority requested in this Application.

Respectfully Submitted,

**DEUTSCHE TELEKOM, INC.**

By:  \_\_\_\_\_

Andreas Tegge  
Managing Director

  
\_\_\_\_\_  
Bradley Shingleton  
Legal Counsel

Robert J. Aannoth  
Joan M. Griffin  
KELLEY DRYE & WARREN LLP  
1200 19<sup>TH</sup> Street, N.W.  
Suite 500  
Washington, D.C. 20036  
(202) 955-9600

1020 – 19<sup>th</sup> Street, N.W., Suite 850  
Washington, D.C. 20036  
(202) 452-9100

Its Attorneys

Date: 12/16/99

CERTIFICATION

The undersigned hereby certifies, on behalf of Deutsche Telekom, Inc. ("DTI") and with respect to the foregoing application of DTI, that:

1. DTI is affiliated with entities that may or may not be considered foreign carriers that operate in the countries listed in Annex 1 to this Certification.
2. DTI will comply with the terms and conditions of Sections 63.21 and 63.22 of the Commission's Rules.
3. DTI's parent company, Deutsche Telekom AG, is a carrier in Germany. Other subsidiaries of Deutsche Telekom AG provide service in Germany as well.
4. DTI 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.

**DEUTSCHE TELEKOM, INC.**

By: \_\_\_\_\_

Andreas Tegge  
Managing Director

*Bradley Shingleton*  
Bradley Shingleton  
Legal Counsel

Robert J. Aamoth  
Joan M. Griffin  
KELLEY DRYE & WARREN LLP  
1200 19<sup>TH</sup> Street, N.W.  
Suite 500  
Washington, D.C. 20036  
(202) 955-9600

Its Attorneys

1020 – 19<sup>th</sup> Street, N.W., Suite 850  
Washington, D.C. 20036  
(202) 452-9100

Date: \_\_\_\_\_

Annex 1 to Attachment A

**COUNTRIES IN WHICH DEUTSCHE TELEKOM AG POSSESSES  
25 PERCENT OR GREATER COMMON DIRECT OR INDIRECT  
OWNERSHIP IN AN ENTITY THAT MAY OR MAY  
NOT BE CONSIDERED A FOREIGN CARRIER**

Argentina	Italy
Australia	Japan
Austria	Korea
Belgium	Luxembourg
Brazil	Mexico
Canada	New Zealand
Chile	Netherlands
Colombia	Poland
Croatia	Portugal
Czech Republic	Russia
Denmark	Singapore
El Salvador	South Africa
Finland	Spain
France	Sweden
Germany	Switzerland
Greece	Taiwan
Guatemala	United Kingdom
Hong Kong	Uzbekistan
Hungary	Venezuela
India	
Indonesia	
Ireland	



READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
**REMITTANCE ADVICE**

APPROVED BY OMB 3060-0589

PAGE NO. 1 OF 1

SPECIAL USE  
FCC USE ONLY

(1) LOCKBOX # 358.115

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)  
\$ 780.00

(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) ZIP CODE 20036

(9) DAYTIME TELEPHONE NUMBER (include area code) (10) COUNTRY CODE (if not in U.S.A.)

(202) 955-9600

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)

Deutsche Telekom, Inc.

(12) STREET ADDRESS LINE NO. 1

1020 - 19th Street, N.W.

(13) STREET ADDRESS LINE NO. 2

Suite 850

(14) CITY

Washington, D.C.

(15) STATE

(16) ZIP CODE 20036

(17) DAYTIME TELEPHONE NUMBER (include area code) (18) COUNTRY CODE (if not in U.S.A.)

(202) 452-9555

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 (20A) PAYMENT TYPE CODE (PTC) (21A) QUANTITY (22A) FEE DUE FOR (PTC) IN BLOCK 20A

(23A) FCC CODE 1 C U T 1 \$ 780.00 (23A) FCC CODE 2

(19B) FCC CALL SIGN/OTHER ID (20B) PAYMENT TYPE CODE (PTC) (21B) QUANTITY (22B) FEE DUE FOR (PTC) IN BLOCK 20B

(23B) FCC CODE 1 (23B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID (20C) PAYMENT TYPE CODE (PTC) (21C) QUANTITY (22C) FEE DUE FOR (PTC) IN BLOCK 20C

(23C) FCC CODE 1 (23C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID (20D) PAYMENT TYPE CODE (PTC) (21D) QUANTITY (22D) FEE DUE FOR (PTC) IN BLOCK 20D

(23D) FCC CODE 1 (23D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(23) PAYER TIN 0 1 3 5 3 3 5 1 0 7 (23) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2)

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT (PRINT NAME) I, 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*

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28) MASTER/AMERICAN EXPRESS/OTHER ACCOUNT NUMBER: MONTH YEAR AUTHORIZED SIGNATURE DATE

(29) VISA I hereby authorize the FCC to charge my VISA or MASTERCARD

from the Federal Communications Commission

MEMO

Chg. 018147.0001

⑈005860⑈ ⑆054001220⑆ 2000034690853⑈

*Randy E. Alan*

MP

PAY TO THE ORDER OF

Federal Communications Commission

Seven Hundred Eighty And No/100

DOLLARS

\$ 780.00

Dec. 6, 1999

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

FIRST UNION NATIONAL BANK  
WASHINGTON, DC  
68-122/540 00480

005860