

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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READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION  
**REMITTANCE ADVICE**



(1) LOCKBOX # 358115

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)

Wiley, Rein & Fielding

(3) TOTAL AMOUNT PAID (dollars and cents)

\$ 780.00

(4) STREET ADDRESS LINE NO. 1  
1776 K Street, N.W.

(5) STREET ADDRESS LINE NO. 2

(6) CITY  
Washington

(7) STATE  
DC

(8) ZIP CODE  
20006

(9) DAYTIME TELEPHONE NUMBER (include area code)  
(202) 719-7000

(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)

Terion Incorporated

(12) STREET ADDRESS LINE NO. 1  
420 North Wickham Road

(13) STREET ADDRESS LINE NO. 2

(14) CITY  
Melbourne

(15) STATE  
FL

(16) ZIP CODE  
32934

(17) DAYTIME TELEPHONE NUMBER (include area code)  
(407) 752-3000

(18) COUNTRY CODE (if not in U.S.A.)

**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 (24A) FCC CODE 2  
C U T 1 \$ 780.00

(19B) FCC CALL SIGN/OTHER ID (20B) PAYMENT TYPE CODE (PTC) (21B) QUANTITY (22B) FEE DUE FOR (PTC) IN BLOCK 20B (24B) FCC CODE 2  
\$

(19C) FCC CALL SIGN/OTHER ID (20C) PAYMENT TYPE CODE (PTC) (21C) QUANTITY (22C) FEE DUE FOR (PTC) IN BLOCK 20C (24C) FCC CODE 2  
\$

(19D) FCC CALL SIGN/OTHER ID (20D) PAYMENT TYPE CODE (PTC) (21D) QUANTITY (22D) FEE DUE FOR (PTC) IN BLOCK 20D (24D) FCC CODE 2  
\$

**SECTION D - TAXPAYER INFORMATION (REQUIRED)**

(25) PAYER TIN 0 5 2 1 2 8 9 9 8 8  
APPLICANT TIN 0 5 9 3 2 7 0 8 3 7

**SECTION E - CERTIFICATION**

(27) CERTIFICATION STATEMENT  
I, Nicole M. McGinnis, (PRINT NAME), 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 Nicole McGinnis

**SECTION F - CREDIT CARD PAYMENT INFORMATION**

(28) MASTERCARD/VISA ACCOUNT NUMBER:

MasterCard/VISA account number grid

EXPIRATION DATE:

Expiration date grid

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

Before the  
**Federal Communications Commission**  
Washington, DC 20554

In the Matter of

Terion Incorporated

File No.

Global Blanket Application Pursuant to  
Section 214 of the Communications Act of  
1934, as Amended, To Offer Resale  
Services as an International Carrier

**GLOBAL BLANKET APPLICATION FOR SECTION 214 AUTHORITY**

Terion Incorporated (“Terion” or “Applicant”) 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(e)(2) of the Commission’s Rules, 47 C.F.R. § 63.18(e)(2), to provide resale switched, interconnected private line,<sup>1</sup> and non-interconnected private line services between the United States and all international points, except those on the Commission’s exclusion list. This application is eligible for streamlined processing pursuant to Section 63.12 of the Commission’s Rules.<sup>2</sup>

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<sup>1</sup> Applicant’s request for authority to provide resold international basic switched services over private lines (“interconnected private line” or “ISR”) is limited to authority between the United States and foreign countries that the FCC has authorized, and will authorize in the future, for such services.

<sup>2</sup> 47 C.F.R. § 63.12. See Section (p) *infra*.

Terion, a Delaware corporation, currently provides two-way mobile data services throughout the United States. Applicant requests to be classified as non-dominant. Applicant is entitled to a presumption of non-dominance on all routes under Sections 63.10(a)(1), (3) and (4) of the Commission's Rules.<sup>3</sup> The Applicant is not a foreign carrier and its only affiliation is with a Canadian foreign service provider that lacks sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market. Further, Applicant's provision of international switched services will be solely through the resale of an unaffiliated U.S. facilities-based carrier's international switched services.

Applicant's request for authority to provide resold services will further the public interest. Applicant's entrance into the market will promote competition and lower prices for international services. Moreover, grant of this application is consistent with the Commission's goal of promoting competition in international markets.

In support of its request for Section 214 authorization, the Applicant provides the following information in accordance with Section 63.18 of the Commission's Rules:

- (a) The name, address and telephone number of the Applicant:
- Terion Incorporated  
420 North Wickham Road  
Melbourne, FL 32934  
Telephone: (407) 752-3000
- (b) Applicant is organized under the laws of the State of Delaware.
- (c) Correspondence concerning this application should be addressed to:

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<sup>3</sup> 47 C.F.R. §§ 63.10(a)(1), (3) and (4).

James Roesch  
Terion Incorporated  
420 North Wickham Road  
Melbourne, FL 32934  
Telephone: (407) 752-3000  
Please send copies of any correspondence to:

Eric DeSilva  
Nicole McGinnis  
Wiley, Rein & Fielding  
1776 K Street, NW  
Washington, DC 20006  
(202) 719-7000

- (d) Applicant has not received any prior Section 214 authorization.
- (e)(2), (f) Applicant requests Section 214 authorization to provide international resold services under Section 63.18(e)(2), 47 C.F.R. § 63.18(e)(2), and certifies that it will operate as an international resale carrier pursuant to the terms and conditions of Sections 63.21 and 63.23 of the Commission's Rules, 47 C.F.R. §§ 63.21, 63.23.

(g) Not applicable.

(h) The name, address, citizenship and principal business of any person or entity that directly or indirectly owns at least ten percent of the equity of the Applicant is listed below, together with the percentage of equity owned by each (to the nearest one percent):

<u>Name</u>	<u>Address</u>	<u>Citizenship</u>	<u>Principal Business</u>	<u>Interest:</u>
HVFM-II, L.P.	c/o Terion Incorporated	U.S. Limited Partnership	Venture Capital Fund	34.8%
International Logistics Group, L.L.C.	c/o Terion Incorporated	U.S. Limited Liability Corp.	Asset Tracking for Transport	41.3%

(i) Applicant certifies that it is not a foreign carrier. Applicant further certifies that it is affiliated with a foreign service provider, Madison/Terion Communications, Inc., which is authorized to provide international telecommunications services in Canada.

(j) Applicant certifies that it does not seek to provide international telecommunications services to any destination country where the Applicant is, controls, or is affiliated with a foreign carrier, except that Applicant seeks to provide international telecommunications services between the United States and Canada, and Applicant owns a cumulative indirect interest of 46.7% in a new, emerging carrier, Madison/Terion Communications, Inc., which will be operating in Canada in the near future.<sup>4</sup>

(k) The Applicant's affiliated carrier lacks market power in Canada. Madison/Terion Communications, Inc. is a newly-authorized service provider in Canada. Madison/Terion Communications, Inc. will be entering the market in the near future, and consequently does not have any market share in any portions of the international transport market or the local access market. Thus, it has no market power in Canada that could be exercised to affect adversely the United States market. Moreover, the destination foreign country, Canada, is a member of the World Trade Organization.

(l) The Applicant may resell the international services of unaffiliated carriers for the purpose of providing international telecommunications services to Canada where it has an affiliated carrier. Applicant complies with Section 63.10(a)(3) of the Commission's rules, 47 C.F.R. § 63.10(a)(3), because Applicant's foreign affiliate, Madison/Terion Communications, Inc., is a new, emerging carrier in Canada and, as such, lacks 50 percent market share in the international transport and the local access markets in Canada and cannot affect competition adversely in the U.S. market.

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<sup>4</sup> Terion, Inc. holds a 20% direct interest and a 26.67% indirect interest in Madison/Terion Communications, Inc., for a cumulative indirect interest of 46.67% (*i.e.*, a non-controlling interest).

- (m) Applicant is not affiliated with a foreign carrier on any route except Canada and requests regulation as a non-dominant carrier because it satisfies the requirements of Sections 63.10(a)(1), (3) and (4) of the Commission's Rules. As stated previously, Applicant's affiliate in Canada, Madison/Terion Communications, Inc., is a new, emerging carrier that will enter that market in the near future. Consequently, it lacks 50 percent market share in the international transport facilities or services, the inter-city facilities or services and the local access facilities or services markets in Canada. Applicant has no other foreign affiliation, is not a foreign carrier and will only provide international switched services through the resale of an unaffiliated U.S. facilities-based carrier's international switched services.
- (n) Applicant 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) Applicant certifies pursuant to Sections 1.2001 through 1.2003 of the Commission's Rules, 47 C.F.R. §§ 1.2001-1.2003, that it is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853(a).
- (p) This application is eligible for streamlined processing pursuant to Section 63.12 of the Commission's Rules, 47 C.F.R. § 63.12, because the Applicant qualifies for a presumption of non-dominance under Sections 63.10(a)(1), (3), (4) even though it is

affiliated with a foreign carrier. Applicant only seeks to provide switched basic services over private lines to countries previously authorized by the Commission.

**CONCLUSION**

For the foregoing reasons, Terion Incorporated requests that the Commission grant it global blanket Section 214 authorization to provide resale switched, interconnected private line, and non-interconnected private line services between the United States and all international points as a non-dominant carrier.

Respectfully submitted,

TERION INCORPORATED

By:



January 11, 2000



This check is GREEN

No. 122816

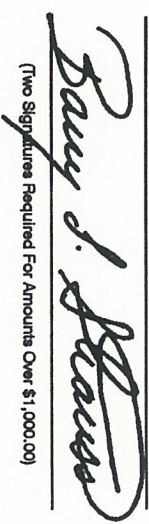
WILEY, REIN & FIELDING  
1776 K Street, N.W.  
Washington, DC 20006  
Operating Account

Date	Amount
01/19/2000	*****780.00

Pay Seven Hundred Eighty and No/100 Dollars ONLY

To the  
Order of FCC

NationsBank of DC, N.A.  
Washington, DC 20008  
15-120/540

  
(Two Signatures Required For Amounts Over \$1,000.00)

⑆ 1 2 2 8 1 6 ⑆ ⑆ 0 5 4 0 0 1 2 0 4 ⑆ ⑆ 0 0 0 0 0 3 7 0 2 9 8 7 ⑆

Attached is our check in full settlement of items shown hereon. If not correct, please return with explanation or call us at (202)828-7512.

No. 122816

FCC		Check Date 01/19/2000			
Description	Date	Invoice No.	Amount of Invoice	Discount	Net
FILING FEE	01/18/2000		780.00	.00	780.00
Total			780.00		780.00

Remittance Advice  
Detach before depositing

WILEY, REIN & FIELDING  
Operating Account