Non-Streamlined ITC-214-20000127-00027
SOUTHWESTERN BELL COMMUNICATIONS
SERVICES, INC.
SOUTHWESTERN BELL LONG DISTANCE
(SBCS)

# Categories (Streamline/Non-streamline)

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

UBLIC BURDEN ESTIMATE ON REVERSE FCC FORM 159 JULY 1997 (REVISED)	SEE PUB
ISTERCARD V	VISA I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorizations(s) herein described.
AUTHORIZED SIGNATURE DATE	
MONTH YEAR	MASTERCARD
I NUMBER:	_
SECTION F - CREDIT CARD PAYMENT INFORMATION	SECTION F
and correct to the best of my knowledge, infomation and belief. SIGNATURE	are true and correct to the best of my known
Certify under penalty of perjury that the foregoing and supporting information	(PRINT NAME)
SECTION E - CERTIFICATION	(27) CERTIFICATION STATEMENT
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(18) COUNTRY CODE (if not in U.S.A.)	(17) DAYTIME TELEPHONE NUMBER (Include area code) $(925)$ $468-5275$
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	(A) CITY
יא אדאתי	(13) STREET ADDRESS LINE NO. 2
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IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)	IF MORE THAN ON
THE ADDITIONAL AND DISCEPTION COMPLETE SECTION D	(202) 719-7000
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SECTION A NA PAYER INFORMATION  13) TOTAL AMOUNT PAID (dollars and cents)	(2) PAYER NAME(if paying by credit card, enter name exactly as
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	READ INSTRUCTIONS CAREFULLY

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

No. 122878

Date 01 /25 /2000

Amount 780.00

01/25/2000

Pay Seven Hundred Eighty and No/100 Dollars ONLY

To the Order of FCC

NationsBank of DC, N.A. Washington, DC 2008

Dauy J. Hause
(Two Signatures Required For Amounts Over \$1,000.00)

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No. 122878

SOF SECTION 214 APPLICATION Description 01/25/2000 Invoice No. Amount of Invoice 780.00 Discount Check Date 01/25/200 780.00 Net

Total

780.00

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.

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

racilities-based and Nesale Callier	For Authority to Operate as an International )	Of the Communications Act of 1934, as amended, )	Application for Authority Pursuant to Section 214 )		Southwestern Bell Communications Services, Inc. )	In the Matter of )
				File No.		

## OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED **APPLICATION FOR AUTHORITY UNDER SECTION 214**

U.S.C. Application, and ensure that SBCS can offer its customers a full complement of services in the State of Texas, pursuant to section 271 of the Communications Act, 47 Bell Telephone Company, and SBCS for authorization to provide in-region, interLATA application is a companion to the application of SBC Communications Inc., Southwestern international points except countries listed on the Commission's exclusion list. This international facilities-based and resale services between all points in Texas and all 214, and section 63.18 of the Commission's Rules, 47 C.F.R. § 63.18, to provide the Communications Act of 1934, as amended ("Communications Act"), 47 U.S.C. § Distance, ("SBCS" or "Applicant") hereby requests authority, pursuant to section 214 of April 10, 2000. S Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long 271.2 That application was filed on January 10, 2000, and must be decided by In order to implement fully the authority requested in the SBC Texas 271

<sup>&</sup>lt;sup>1</sup> SBCS also agrees not to use facilities listed on the Commission's exclusion list

Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Texas, CC Docket No. 00-4 (filed Jan. 10, 2000) ("SBC Texas 271 Application"). Application of SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell

services in Texas concurrently with the SBC Texas 271 Application requests the Commission to grant this application to provide in-region international at the same time it receives 271 authority for Texas. interLATA services in Texas, SBC must obtain authority to provide international services Accordingly, SBCS respectfully

Africa, foregoing affiliated routes will comply with the Commission's dominant carrier regulations along each of the Hungary and South Africa, each of which is a member of the WTO, and certifies that it affiliated with foreign carriers that have not yet been declared non-dominant in Denmark. points in Texas and Denmark, South Africa and Hungary. 4 requests specific authority to provide facilities-based and resale services between all services between all points in Texas and all international points, except Denmark, South provide, as a non-dominant carrier, global international facilities-based and resale Hungary, and countries listed on the Commission's exclusion list.<sup>3</sup> In particular, SBCS respectfully requests the Commission to grant it authority to As discussed below, SBCS is SBCS also

#### Description of Applicant

Virginia, and is a wholly-owned subsidiary of SBC Communications Inc. ("SBC") SBCS is a corporation organized under the laws of the States of Delaware and

resold basis to foreign destinations previously approved by the Commission for international simple resale ("ISR"). See 47 C.F.R. §§ 63.22(e)(1)-(e)(2), 63.23(d)(1)-(d)(2). As noted above, SBCS will not use based private line, resold switched, resold non-interconnected private line and resold interconnected private facilities listed on the Commission's exclusion list. line services. SBCS will restrict its provision of interconnected private line services on either a facilities or By this request for global authority, SBCS seeks authority to provide facilities-based switched, facilities-

and Hungary, except to the extent permitted by Commission rules. See 47 C.F.R. §§ 63.22(e)(1)-(e)(2). provide interconnected private line services on either a facilities or resold basis to Denmark, South Africa switched, facilities-based private line, resold switched, resold non-interconnected private line, and (to the <sup>4</sup> By this request, SBCS seeks authority to provide, subject to dominant carrier regulation, facilities-based 63.23(d)(1)-(d)(2)

in accordance with the provisions of sections 63.18(e)(1)-(e)(2) for communications been granted limited global facilities-based and global resale authority to provide services originating out-of-region and terminating at all international points, except Chile, South in-region states served by SBC's local telephone operating companies.<sup>5</sup> Africa, Switzerland and countries listed on the Commission's exclusion list.<sup>6</sup> SBCS is currently authorized to provide global resale services originating outside of the SBCS also has

region points and all international points, except Chile, Switzerland and South Africa granted limited global resale authority to provide international services between out-of-Southwestern Bell Communications Services Illinois ("SBCS Illinois") 10 each was Southwestern Bell Communications Services New York ("SBCS New York"),9 and Southwestern Bell Communications Services Maryland ("SBCS Maryland"), 8 Southwestern Bell Communications Services Massachusetts ("SBCS Massachusetts"), to provide international services that originate out-of-region. On October 25, 1996 Several wholly-owned subsidiaries of SBCS also hold section 214 authorizations

carriers, as the term "foreign carrier" is defined in section 63.09(d) of the Commission's rules, 47 C.F.R. § 63.09(d). Through some of these interests, SBCS is "affiliated" with SBC, SBCS's parent corporation, has ownership interests in several foreign

<sup>&</sup>lt;sup>5</sup> Overseas Common Carrier Section 214 Applications Action Taken, 11 FCC Rcd 13980 (Oct. 31, 1996); FCC File No. ITC-96-497.

<sup>19971108-00689</sup> International Authorizations Granted, DA No. 99-1613 (Aug. 13, 1999); FCC File No. ITC-214.

FCC File No. ITC-96-496 Overseas Common Carrier Section 214 Applications Action Taken, 11 FCC Rcd 13980 (Oct. 31, 1996);

<sup>8</sup> Id.; FCC File No. ITC-96-498

<sup>&</sup>lt;sup>9</sup> Id.; FCC File No. ITC-96-499

<sup>&</sup>lt;sup>10</sup> *Id.*; FCC File No. ITC-96-500.

in its foreign market. Accordingly, SBCS should be regulated as non-dominant on all routes for which it has a foreign affiliation, except Denmark, Hungary and South Africa market power, or already has been determined by the Commission to lack market power South Africa, each of the foregoing carriers either is entitled to a presumption that it lacks discussed below, with the exception of Tele Danmark A/S, MATAV Rt, and Telkom operator providing fixed network, broadband and internet services in Norway). As has become a foreign carrier), and EITele Ost (a competitive access and backbone provide international telecommunications services to the public in Canada, and therefore Lithuania), Ameritech Communications International, Inc. (which has been authorized to communications services provider in Germany and the Netherlands), BEN Netherlands incumbent telecommunications carrier in Denmark), Talkline GmbH (a mobile telecommunications services to the public in Hungary), Tele Danmark A/S (the telecommunications carrier in South Africa), MATAV Rt (a carrier providing Public Interest Telekomunikacijos ("Bite") (a carrier authorized to provide wireless services in B.V. (a provider of GSM wireless services in the Netherlands), UAB Mobilios telecommunications carrier in Switzerland), Telkom South Africa Ltd. (the incumbent particular, as described in more detail below, SBCS is affiliated with diAx (a full service foreign carriers within the meaning of section 63.09(e), 47 C.F.R. § 63.09(e).

region will benefit consumers by increasing competition, lowering prices and increasing incumbent long distance carriers. by enabling SBCS to offer "in-region" international services in competition with Grant of this application will serve the public interest, convenience and necessity SBCS's entry into the international services market in-

served by grant of this application the service options available to the public. Consequently, the public interest will be

### Section 63.18 Information

accordance with section 63.18 of the Commission's Rules: In support of this application, SBCS submits the following information in

(a) The name, address and telephone number of the Applicant:

Southwestern Bell Communications Services, Inc. 5850 West Las Positas Blvd.
Pleasanton, CA 94588
(925) 468-5275

- **(b)** SBCS is organized under the laws of the states of Delaware and Virginia
- <u>c</u> Correspondence concerning this application should be addressed to:

Bruce A. Ramsey
VP Law and Regulation
Southwestern Bell Communications Services
5850 West Las Positas Blvd.
Pleasanton, CA 94588

Please send copies of any correspondence to:

Christopher M. Heimann Senior Attorney SBC Communications Inc. 1401 H Street, N.W. Suite 1020 Washington, D.C. 20005

And to:

Carl R. Frank, Esq. Wiley, Rein & Fielding 1776 K Street, N.W. Washington, D.C. 20006

- Africa, international points, except Chile, Switzerland and South Africa. 13 authority to provide international services between out-of-region points and all Maryland, SBCS New York, and SBCS Illinois) have been granted limited global resale addition, four wholly-owned subsidiaries of SBCS (SBCS Massachusetts, SBCS originating out of region and terminating at all international points, except Chile, South services in accordance with the provisions of section 63.18(e)(2) for communications also has received limited global facilities-based and global resale authority to provide of the in-region states served by SBC's local telephone operating companies. 11 (b) Switzerland and countries listed on the Commission's exclusion list. 12 SBCS has received authority to provide global resale services originating outside In SBCS
- of the Commission's rules, 47 C.F.R. global facilities-based and limited global resale section 214 authority to serve routes (e) will comply with the terms and conditions contained in sections 63.21, 63.22 and 63.23 Hungary and countries listed on the Commission's exclusion list. SBCS certifies that it between all points in Texas and all international points, except Denmark, South Africa Commission's rules, 47 C.F.R. § 63.18(e)(1) and 63.18(e)(2), SBCS requests limited Pursuant to the terms and conditions of sections 63.18(e)(1) and 63.18(e)(2) of the §§ 63.21, 63.22, 63.23

47 C.F.R. § 63.18(e)(4), SBCS also requests specific authority to provide facilities-Pursuant to the terms and conditions of section 63.18(e)(4) of the Commission's

Overseas Common Carrier Section 214 Applications Action Taken, 11 FCC Rcd 13980 (Oct. 31, 1996); FCC File No. ITC-96-497.

<sup>19971108-00689</sup> International Authorizations Granted, DA No. 99-1613 (Aug. 13, 1999); FCC File No. ITC-214.

<sup>&</sup>lt;sup>13</sup> Overseas Common Carrier Section 214 Applications Action Taken, 11 FCC Rcd 13980 (Oct. 31, 1996); FCC File Nos. ITC-96-496, ITC-96-498, ITC-96-499, ITC-96-500.

Hungary. sections 63.21, 63.22 and 63.23 of the Commission's rules based and resale services between all points in Texas and Denmark, South Africa and SBCS certifies that it will comply with the terms and conditions contained in

- (f) Not applicable
- (g) Not applicable.
- $\Xi$ greater shareholders, partners, and/or owners are listed below: The name, address, citizenship and principal businesses of SBCS's ten percent or

SBC Communications Inc. 175 East Houston

San Antonio, Texas 78205 Citizenship: United States

Principal Business: Telecommunications

Ownership Interest: of SBC 100 percent; no entity beneficially owns 10 percent or more

SBCS certifies that it is affiliated, as that term is defined in section 63.09 of the

Commission's rules, 47 C.F.R. § 63.09, with the following foreign carriers

 $\Xi$ 

- $\Xi$ entitled to non-dominant carrier treatment on the U.S.-Switzerland route. lacks market power in Switzerland, and that SBC and its subsidiaries are SBC/Ameritech Merger Order, the Commission determined that diAx the international transport and local access markets in Switzerland. In the telecommunications carrier, with far less than 50 percent market share in an indirect 40 percent interest in diAx, a new, full-service Swiss diAx (Switzerland). SBCS's parent, SBC, through a joint venture, owns
- (2) telecommunications carrier in South Africa. percent of Telkom S.A. Prior to the acquisition by this consortium, Africa L.C.C. ("SBCISA") (of which SBCISA owns 60 percent) owns 30 formed between Telekom Malaysia Berhad and SBC International South Telkom South Africa Ltd. ("Telkom S.A.") (South Africa). Telkom was completely state-owned. Telkom is the incumbent A consortium

Corporations Holding Commission Licenses and Lines Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 5, 22, 24, 25, 63, 90, 95 and 101 of the Commission's Rules, CC Docket No. 98-141, Memorandum Opinion and Order, FCC 99-279 at para. 533 (rel. Oct. 8, 1999) <sup>14</sup> In re Applications of Ameritech Corp. and SBC Communications Inc. for Consent to Transfer Control of ("SBC/Ameritech Merger Order").

- $\odot$ a non-controlling, 29.8 percent interest in MATAV. of MATAV Rt., the incumbent telecommunications operator in Hungary. subsidiary of SBC, and Deutsche Telekom owns approximately 60 percent Through its interest in MagyarCom, Ameritech, and therefore SBC, holds between Ameritech Corporation ("Ameritech"), a wholly-owned MATAV Rt. (Hungary). MagyarCom, a consortium formed indirectly
- 4 other services, international telecommunications services to the public exchange telephone carrier in Denmark authorized to provide, among de facto controlling interest in Tele Danmark. Tele Danmark is a local subsidiary, Ameritech (and therefore SBC) indirectly holds a 41.6 percent, Tele Danmark A/S ("Tele Danmark") (Denmark). Through an indirect
- (5) Netherlands routes. 15 regulation as non-dominant carriers along the U.S.-Germany and U.S.-Netherlands, and that SBC subsidiaries, including SBCS, are entitled to concluded that Talkline lacks market power in Germany and the markets in Germany and the Netherlands. The Commission has already percent market share of the international transport and local access resold cellular service in the Netherlands. Talkline has far less than a 50 authorized to provide mobile communications services in Germany and SBC) holds an indirect controlling interest in Talkline. Talkline is wholly-owned by Tele Danmark. Consequently, Ameritech (and therefore Talkline GmbH ("Talkline") (Germany and the Netherlands). Talkline is
- 6 on the U.S.-Netherlands route. 16 SBC subsidiaries, including SBCS, are entitled to non-dominant regulation Netherland does not possess market power in the Netherlands, and that markets in the Netherlands. The Commission has determined that BEN percent market share in the international transport and local access section 63.09 of the Commission's rules.) BEN Netherland provides GSM interest in Belgacom S.A. does not constitute an affiliation as defined in indirect, non-controlling interest in BEN Netherland. (Ameritech's interests in Tele Danmark and Belgacom S.A., Ameritech owns an BEN Netherland B.V. ("BEN Netherland") (the Netherlands). Through its 1800 wireless services in the Netherlands, and has far less than a 50
- 3 authorized to provide wireless services in Lithuania, and has far less than a therefore SBC) holds an indirect, controlling interest in Bite. owned subsidiary of Tele Danmark. Consequently, Ameritech (and UAB Mobilios Telekomunikacijos ("Bite") (Lithuania). Bite is a wholly-

<sup>&</sup>lt;sup>15</sup> SBC/Ameritech Merger Order, FCC 99-279 at para. 537.

<sup>&</sup>lt;sup>16</sup> *Id*.

SBCS, are entitled to regulation as non-dominant carriers on the U.S.lacks market power in Lithuania, and that SBC subsidiaries, including markets in Lithuania. The Commission has already concluded that Bite 50 percent market share in the international transport and local access

- 8 Canada, and (3) ACI and AMCI therefore are entitled to non-dominant treatment along the U.S.-Canada route. 18 The Commission apparently has not imposed dominant carrier status on ACI and AMCI along the U.S.agrees that ACII lacks market power in Canada because the Commission become a foreign carrier in Canada, (2) ACII lacks market power in and local access market in Canada. On June 30, 1999, Ameritech section 63.09. ACII has a minuscule share of the international transport authorization to provide international telecommunications services in regulation on that route. Canada route. Consequently, SBCS is entitled to non-dominant carrier wholly-owned subsidiary of Ameritech Communications, Inc.) had (indirect subsidiaries of SBC) notified the Commission that: (1) ACII (a Communications, Inc. and Ameritech Mobile Communications, Inc. Canada, and therefore became a foreign carrier, as that term is defined in SBC holds a controlling interest in ACII. Last year, ACII received is an indirect, wholly-owned subsidiary of Ameritech. As a consequence, Ameritech Communications International, Inc. ("ACII") (Canada). ACII
- 9 of the Norwegian market, ETO does not have market power and SBCS is Norwegian market. SBCS only recently notified the Commission of its affiliation with ETO. <sup>19</sup> Consequently, the Commission has not yet than 1,000 customers, which comprise a minuscule share of the entitled to a presumption of non-dominance along the U.S.-Norway route. considered whether ETO possesses market power in Norway. broadband and internet services in Norway. ETO currently serves less percent interest ETO, which provides competitive fixed network, Nevertheless, as SBCS pointed out in its notification, due to its small share EITele Ost ("ETO") (Norway). Tele Danmark recently acquired a 51

<sup>&</sup>lt;sup>17</sup> *Id.* at para. 538.

<sup>(</sup>filed June 30, 1999); Ameritech Mobile Communications, Inc. Certification of Status of its Affiliate, Ameritech Communications International, Inc. as a Foreign Carrier in Canada, FCC File No. ITC-96-243 (filed June 30, 1999); Foreign Carrier Affiliation Notification, Public Notice, FCC File No. FCN-00008 <sup>18</sup> Ameritech Communications, Inc. Certification of Status of its Affiliate, Ameritech Communications International, Inc. as a Foreign Carrier in Canada, FCC File Nos. ITC-96-441, ITC-96-272, ITC-97-298 (rel. Aug. 26, 1999)

<sup>&</sup>lt;sup>19</sup> Southwestern Bell Communications Services, Inc., et. al, Notification of Foreign Affiliation, FCC File (filed Jan. 24, 2000).

<sup>&</sup>lt;sup>20</sup> *Id.* at 4-5.

countries are parent corporation, controls foreign carriers. These foreign carriers and destination further certifies that it seeks to serve certain destination countries in which SBC, its  $\bigcirc$ foreign carrier, and (2) no foreign carriers own more than 25 percent of SBCS. services to any destination country in which SBCS is a foreign carrier or controls a SBCS certifies that: (1) it does not seek to provide international telecommunications Pursuant to section 63.18(j) of the Commission's rules, 47 C.F.R. § 63.18(j), SBCS

- (1) Tele Danmark (Denmark)
- (2) Talkline (Germany and the Netherlands)
- (3) Bite (Lithuania)
- 4 Ameritech Communications International, Inc. (Canada)
- (5) EITele Ost (Norway).
- countries listed in subsection (j) of this application, SBCS provides the following 乏 information: Pursuant to section 63.18(k) of the Commission's rules, for each of the destination
- $\Xi$ Organization. Tele Danmark (Denmark). Denmark is a member of the World Trade
- 2 concluded that Talkline lacks market power in Germany and the Netherlands.<sup>21</sup> 70 (1997). Additionally, as noted above, the Commission has already Foreign Participation Order, 12 FCC Rcd 23891, 23955-65, paras. 150presumed not to have market power in Germany and the Netherlands local access markets in Germany and the Netherlands, and therefore is far less than 50 percent market share of the international transport and Talkline (Germany and the Netherlands). Both Germany and the Netherlands are members of the World Trade Organization. Talkline has

<sup>&</sup>lt;sup>21</sup> SBC/Ameritech Merger Order, FCC 99-279 at para. 537

U.S.-Canada, and U.S.-Norway. following routes: U.S.-Switzerland, U.S.-Germany, U.S.-Netherlands, U.S.-Lithuania,

affiliated routes: U.S.-Denmark, U.S.-Hungary, and U.S.-South Africa Commission's rules) with respect to its provision of services along each of the following regulations (including the requirements of sections 63.10 and 43.61(c) of the Accordingly, SBCS certifies that it will comply with the Commission's dominant carrier (MATAV Rt) and South Africa (Telkom S.A.), have not yet been declared non-dominant SBCS's affiliated foreign carriers in Denmark (Tele Danmark), Hungary

- such agreements in the future, except as permitted by section 63.14 carrier possesses market power on the foreign end of the route and will not enter into from any foreign carrier with respect to any U.S. international route where the foreign section 63.14(b) of the Commission's rules, 47 C.F.R. § 63.14(b), directly or indirectly  $\Xi$ SBCS certifies that it has not agreed to accept special concessions, as defined in
- U.S.C. 853a rules, 0 of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 47 C.F.R. §§ 1.2001 – 1.2003, that no party to this application is subject to a denial SBCS certifies pursuant to sections 1.2001 through 1.2003 of the Commission's

#### Conclusion

section 271. services in the State of Texas under section 271 of the Communications Act, 47 U.S.C. this application at the same time that SBCS is legally permitted to provide interLATA For the foregoing reasons, SBCS respectfully requests the Commission to grant

Respectfully submitted,

Southwestern Bell Communications Services, Inc.

Ву:

Steve Grimm

President

5850 West Las Positas Blvd.

Pleasanton, CA 94588

January 25, 2000