

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

APPROVED BY OMB

3060-0589

(1) LOCKBOX # 358115

PAGE NO. 1 OF FEB 10 3 2000  
FCC/MELBLOW

SPECIAL USE  
FCC USE ONLY

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

Reboul, MacMurray, Hewitt, Maynard & Kristol

SECTION A - PAYER INFORMATION

(3) TOTAL AMOUNT PAID (dollars and cents)  
\$ 780.00

(4) STREET ADDRESS LINE NO. 1

1111 19th Street, N.W.

(5) STREET ADDRESS LINE NO. 2

Suite 406

(6) CITY

Washington

(7) STATE

DC

(8) ZIP CODE

20036

(9) DAYTIME TELEPHONE NUMBER (include area code)

(202) 429-0004

(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)

ACN Communication Services, Inc.

(12) STREET ADDRESS LINE NO. 1

32991 Hamilton Court

(13) STREET ADDRESS LINE NO. 2

(14) CITY

Farmington Hills

(15) STATE

MI

(16) ZIP CODE

48334

(17) DAYTIME TELEPHONE NUMBER (include area code)

(248) 699-4000

(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

NEW

(20A) PAYMENT TYPE CODE (PTC)

C U T

(21A) QUANTITY

1

(22A) FEE DUE FOR (PTC) IN BLOCK 20A

\$ 780.00

FCC USE ONLY

(23A) FCC CODE 1

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22B) FEE DUE FOR (PTC) IN BLOCK 20B

\$

FCC USE ONLY

(23B) FCC CODE 1

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 20C

\$

FCC USE ONLY

(23C) FCC CODE 1

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 20D

\$

FCC USE ONLY

(23D) FCC CODE 1

(20E) PAYMENT TYPE CODE (PTC)

(21E) QUANTITY

(22E) FEE DUE FOR (PTC) IN BLOCK 20E

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FCC USE ONLY

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN

0 1 3 2 7 6 1 0 1 5

(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B1 IS DIFFERENT FROM PAYER NAME IN A-2

APPLICANT TIN

0 3 8 3 4 8 3 7 2 9

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT  
I, Kristle Stokes Hassett (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 Kristle Stokes Hassett

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28) MASTERCARD

MASTERCARDVISA ACCOUNT NUMBER:

EXPIRATION DATE:

MONTH YEAR

VISA

AUTHORIZED SIGNATURE

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

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)

REBOUL, MACMURRAY, HEWITT, MAYNARD & KRISTOL  
SUITE 406

45 ROCKEFELLER PLAZA  
NEW YORK, N.Y. 10111  
TELEPHONE: (212) 841-5700  
TELECOPIER: (212) 841-5725

1111 NINETEENTH STREET, N.W.  
WASHINGTON, D. C. 20036  
TELEPHONE: (202) 429-0004  
TELECOPIER: (202) 429-8743

SUITE 1500  
1801 CENTURY PARK EAST  
LOS ANGELES, CALIF. 90067  
TELEPHONE: (310) 551-3070  
TELECOPIER: (310) 551-3071

February 3, 2000

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

VIA HAND DELIVERY

Re: Application of ACN Communication Services, Inc. for  
Section 214 Authority to Operate as an International  
Facilities-Based and Resale Carrier

Dear Sir/Madam:

On behalf of ACN Communication Services, Inc., enclosed please find an original and five (5) copies of an Application for Section 214 Authority to Operate as an International Facilities-Based and Resale Carrier.

Also enclosed is the required FCC Form 159 (Remittance Advice), a check made payable to the Federal Communications Commission in the amount of \$780.00 for the requisite filing fee, and an extra copy of the application that we ask you to kindly date stamped and return in the self-addressed, stamped envelope provided.

In the event you have any questions, or require further information, please contact the undersigned at (202) 429-0004.

Very truly yours,



Kristie Stokes Hassett  
Counsel for ACN Communication Services, Inc.

Enclosures

9911.1



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

In the Matter of )  
)  
)  
ACN COMMUNICATION SERVICES, INC. ) File No. ITC-\_\_\_\_ - \_\_\_\_\_  
)  
)

Application for Authority pursuant to Section 214 )  
of the Communications Act of 1934, as amended, )  
to Operate as an International Facilities-Based )  
and Resale Carrier )

**APPLICATION FOR AUTHORITY**

Pursuant to the rules of the Federal Communications Commission ("FCC" or "Commission"), 47 C.F.R. Part 63, ACN Communication Services, Inc ("ACN" or "Applicant"), through its attorneys, hereby submits an application for authority to provide international facilities-based and resale services between the United States and international points. ACN is a new company organized to provide telecommunications services. ACN is a wholly-owned subsidiary of American Communications Network, Inc. ("ACN, Inc.").

By granting this Application, the Commission will serve the public interest, convenience and necessity by promoting competition in the international services market. ACN's provision of international services to customers will serve the public interest by providing a competitive alternative to customers. It will promote, through competition, the efficient use of current and future telecommunications networks. Customers will benefit by having an additional alternative carrier from which to choose, and from general improvements in price, billing options, features and other options that are generated by competitive pressures. ACN anticipates that its proposed

services will provide its subscribers with better quality services and will increase choice through innovative, diversified and reliable service offerings.

According to the FCC's fee schedule, Fee Code CUT, a check in the amount of \$780.00 is attached.

In support of this request, the following information is submitted as required by

Section 63.18 of the Commission's rules:

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

ACN Communication Services, Inc.  
32991 Hamilton Court  
Farmington Hills, Michigan 48334  
Telephone: (248) 699-4000

(b) ACN is incorporated under the laws of the State of Michigan.

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

James E. Magee, Esq.  
Kristie Stokes Hassett, Esq.  
Reboul, MacMurray, Hewitt,  
Maynard & Kristol  
Suite 406  
1111 19th Street, N.W.  
Washington, D.C. 20036  
Telephone: (202) 429-0004  
Facsimile: (202) 429-8743

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

(e) ACN requests global facilities-based and resale Section 214 authority pursuant to the terms and conditions of §63.18(e)(1) and (e)(2) of the Commission's rules. ACN certifies that it will comply with the terms and conditions contained in Sections 63.21, 63.22, and 63.23 of the FCC's rules.

(f) At this time, ACN seeks no other authorization available under 64.18(e).

(g) Not applicable.



(h) ACN is a wholly-owned subsidiary of ACN, Inc., a privately held Michigan corporation. ACN, Inc.'s address is 32991 Hamilton Court, Farmington Hills, Michigan 48334. Six shareholders of ACN, Inc. currently own more than 10 percent of ACN, Inc.'s shares. Four shareholders, Greg Provenzano, Robert Stevanovski, Tony Cupisz and Michael Cupisz, own 18.125 percent each. Two shareholders, David Stevanovski and Vladimir Stevanovski, own 11.25 percent each. All six of ACN Inc.'s principal shareholders are United States citizens. The principal business of all six shareholders is ACN, Inc. ACN has interlocking directorates with its parent company, ACN, Inc. Also, ACN shares one director, Greg Provenzano, with its foreign affiliates, ACN European Services, Ltd. and ACN Europe BV.

(i) ACN hereby certifies that it is "affiliated" with the following foreign carriers operating as international telecommunications carriers in the following countries: ACN European Services, Ltd. in the United Kingdom; ACN Europe BV in the Netherlands; ACN Communications GmbH in Germany; ACN Danmark A/S in Denmark; ACN Communications Sweden AB in Sweden; and All Communications Network of Canada, Co. in Canada.<sup>1</sup> ACN European Services, Ltd. and All Communications Network of Canada, Co. are both wholly owned subsidiaries of ACN's parent company, ACN, Inc. ACN Communications GmbH, ACN Danmark A/S and ACN Communications Sweden AB are all wholly owned subsidiaries of ACN Europe BV. ACN Europe BV is a wholly owned subsidiary of ACN International, Inc., which in turn is a wholly owned subsidiary of ACN, Inc. All of ACN's foreign affiliates provide

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<sup>1</sup> ACN also wishes to advise the Commission that another affiliate company, ACN Communications Finland Oy, has been established in Finland. At this time, the company is not operating, but it is in the process of registering as a reseller in Finland.

international and domestic resold long distance services and local toll services. However, none of the affiliates are local exchange carriers.

ACN European Services is licensed to operate in the United Kingdom, and the other foreign affiliates have all registered to operate in their respective countries.

(j) Pursuant to Section 63.18(j)(3), ACN states that it does seek to provide international services to the United Kingdom, the Netherlands, Germany, Denmark, Sweden and Canada, where ACN's parent company, ACN, Inc., controls the foreign carriers listed in section (i) above. All of these countries are members of the World Trade Organization.

(k) Pursuant to Section 63.18(k)(2), ACN states that its foreign affiliates are new entrants into the international telecommunications market. They do not have the ability to discriminate against unaffiliated United States carriers and, thus, lack market power to affect competition in the United States adversely.

(l) Pursuant to Section 63.18(l), ACN should presumptively be treated as a non-dominant carrier. Section 63.10(a)(3) provides that if a foreign affiliate lacks a fifty percent market share in the international transport and the local access markets on the foreign end of the route, "the U.S. carrier shall presumptively be classified as non-dominant." As stated under section (k) above, ACN's foreign affiliates are new entrants in the international telecommunications market. Thus, they have no ability to discriminate against unaffiliated United States carriers. Therefore, they lack sufficient market power in any foreign market to affect competition adversely in the U.S. market. Accordingly, ACN is presumptively a non-dominant carrier.



(m) ACN should be presumptively classified as a non-dominant carrier since its foreign affiliates lack market power in any foreign market. Please refer to section (l) for a further description.

(n) ACN certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any US international route where the foreign carrier possesses market power on the foreign end of the route and will not enter into such agreements in the future.

(o) As defined in §§ 1.2001 through 1.2003 of the Commission's rules, ACN certifies that it is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse of 1988.

(p) Pursuant to Section 63.18(p), ACN qualifies for streamlined processing of this Application. Section 62.12(c)(1)(i) provides that streamlined processing is available where the Applicant qualifies for a presumption of non-dominance under Section 63.10(a)(3). As demonstrated above, ACN qualifies for a presumption of non-dominance under this section because its affiliates currently lack market power in the foreign marketplace. Accordingly, ACN's application is entitled to streamlined processing under Section 63.18(p).

A verification of the Applicant is attached.



**CONCLUSION**

In light of the foregoing, ACN submits that the public interest, convenience, and necessity will be served by approving this Application. Thus, ACN respectfully request that the Commission grant this Application.

Respectfully submitted,

ACN COMMUNICATION SERVICES, INC.

By:



James E. Magee  
Kristie Stokes Hassett  
REBOUL, MacMURRAY, HEWITT,  
MAYNARD & KRISTOL  
Suite 406  
1111 19th Street, N.W.  
Washington, D.C. 20036  
(202) 429-0004

Attorneys for ACN Communication Services, Inc.

February 3, 2000

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FEDERAL COMMUNICATIONS COMMISSION  
FORM 31 (8-72)

**REBOL, MacMURRAY,  
HEWITT, MAYNARD & KRISTOL**  
(BUSINESS ACCOUNT)  
1111 19TH STREET, N.W., SUITE 406  
WASHINGTON, D.C. 20036

**CRESTAR BANK**  
WASHINGTON, DC  
15-52-540

2/2/00

\$ 780.00

DOLLARS

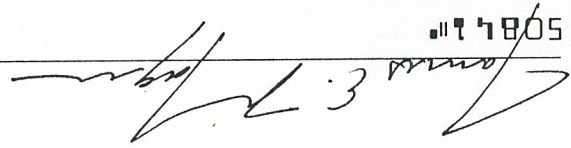
Seven Hundred and Eighty Dollars and 00/100

PAY TO THE  
ORDER OF

Federal Communications Commission

MEMO Section 214 Filing Fee

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**REBOL, MacMURRAY,  
HEWITT, MAYNARD & KRISTOL**

2/2/00 - FCC  
\$780.00

Client 0400.1500

Section 214 Application Filing Fee

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Security features included. Details on back.

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