

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: _____

FBI

FCC/MELLON

APR 1 12000

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

FORUM HOLDING, INC.,

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

File No. _____

To: The Commission

APPLICATION AND REQUEST FOR STREAMLINED PROCESSING

Forum Holding, Inc. ("Forum" or "Applicant") hereby requests authority, pursuant to Section 214 of the Communications Act of 1934, as amended, and Section 63.18 of the Commission's rules to provide international facilities-based and resale services between the United States and all international points except for countries listed on the Commission's exclusion list.¹ Because the only carriers with whom Forum is affiliated enjoy presumptions of non-dominance, Forum respectfully requests that the

¹ Forum does not seek authority to provide switched basic services over private lines to any countries for which the Commission has not previously authorized such service. Forum also agrees not to use facilities not listed on the Commission's exclusion list.

Commission process this application under the “streamlined” procedures described in Section 63.12 of its rules.

Forum is a corporation organized under the laws of the State of Delaware, and has its principal place of business in Michigan. It is 98 percent owned by Mr. Alejandro Acosta of Mexico City, Mexico, 1 percent owned by Mr. Joaquin Ontaneda of Mexico City, and 1 percent owned by Mr. Fernando Herrera, also of Mexico City.

Mr. Acosta holds a 75 percent stake in Comnet S.A. de C.V. (“Comnet”), an Internet Service Provider based in Mexico City, Mexico that operates only in Mexico. Comnet, in turn, owns 67% of BTC S.A. de C.V. (“BTC”), a provider of data services based in Mexico City that operates only in Mexico. Mr. Acosta, and by extension Forum, are thus “affiliates” of Comnet and BTC within the meaning of the Commission’s Rules.² *See* 47 C.F.R. § 63.09(e).

Comnet and BTC, however, enjoy—both individually and collectively—presumptions of non-dominance, because they both have miniscule shares (if any) of the international transport and local access markets in Mexico. *See* 47 C.F.R. § 63.10(a)(3). Moreover, neither Comnet nor BTC are listed among those carriers presumed to possess market power in their home markets. *See* Public Notice, List of Foreign Telecommunications Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets, DA 99-809 (Int. Bur., rel. June 18, 1999). Accordingly, this application is subject to streamlined processing under Section 63.12 of the Commission’s rules.

² Mr. Acosta also owns an indirect 3% stake in BTC through his holding in Sistemas Cibernéticos S.A. de C.V. (“Sistemas”), a software provider in Mexico.

The grant of Forum's application will serve the public interest, convenience, and necessity by fostering competition in the market for international services, which can be expected to result in more efficient and innovative international telecommunications offerings, lower prices, and better service for consumers.

Section 63.18 Information

In support of this application, Forum submits the following in accordance with

Section 63.18 of the Commission's rules.

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

Forum Holding, Inc.
9864 E. Grand River, Suite 200-271
Brighton, MI 48114
(810) 229-5403

(b) State of Incorporation

Forum is organized under the laws of the state of Delaware.

(c) Contact Information

Correspondence concerning this application should be addressed to:

Alejandro Acosta
Chief Executive Officer
Forum Holding, Inc.
9864 E. Grand River, Suite 200-271
Brighton, MI 48114
(810) 229-5403

Please send copies of any correspondence to:

Michael Nilsson
Harris, Wiltshire & Grannis LLP
1200 Eighteenth Street, N.W.
Washington, DC 20036
(202) 730-1309

(d) Pervious Section 214 Application

Forum has not previously sought or received authority under Section 214.

(e) Service Authority Requested

Forum requests Section 214 authority to operate as a facilities-based carrier pursuant to Section 63.18(e)(1) of the Commission's rules and to operate as a resale carrier pursuant to Section 63.18(e)(2) of the Commission's rules, to serve routes between the United States and all countries not on the Commission's exclusion list. Forum hereby certifies that it will comply with the terms and conditions contained in Sections 63.21, 63.22, and 63.23 of the Commission's rules.

(f) Combined Application

Forum requests both facilities-based and resale authorization.

(g) Exclusion from Environmental Processing

Authorization of the facilities requested is categorically excluded from environmental processing as defined in Section 1.1306 of the Commission's rules.

(h) Major Equity Owners

The following persons and entities directly or indirectly own at least ten percent of the equity of the applicant, as indicated.

| | |
|--|-----|
| Mr. Alejandro Acosta | 98% |
| Miguel Laurent No. 15 bis 4 pisocol. Del Valle MÉXICO 03100 D.F. | |

Mr. Acosta is a Mexican citizen whose principal business is the provision of communications services.

Mr. Acosta is a director both of Forum and of Comnet and BTC.

(i) Foreign Carrier Affiliation

Forum is, through Mr. Acosta, an affiliate of Comnet and BTC. Comnet is an ISP that operates only in Mexico. BTC is a data service provider that operates only in Mexico.

(j) Telecommunications Services to Affiliated Route

Forum seeks approval to provide telecommunications service between the United States and Mexico. Forum, through Mr. Acosta, is affiliated with Comnet and BTC, both carriers in Mexico.

(k) Affiliated Route Showing

Mexico is a member of the World Trade Organization. Moreover, Comnet and BTC are carriers with miniscule shares (if any) of the international transport and local access markets in Mexico, and therefore are presumed—individually and collectively—not to possess market power in any relevant market. *See Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, 12 FCC Rd. 23891, 23955-65 (1997) (“*Foreign Participation Order*”). Neither Comnet nor BTC are listed among those carriers presumed to possess market power in their home markets. *See* Public Notice, List of Foreign Telecommunications Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets, DA 99-809 (Int. Bur., rel. June 18, 1999).

(l)-(m) Market Power Showing

As described above, Comnet and BTC are each carriers with miniscule shares (if any) of the international transport and local access markets in Mexico, and therefore are entitled—individually and collectively—to presumptions of non-dominance under Section 63.10(a)(3) of the Commission’s rules.

(n) No Special Concessions

Forum hereby certifies that is 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 market power on the foreign end of the route and will not enter into such agreements in the future.

(o) Anti-Drug Abuse Act Certification

Pursuant to Sections 1.2001 through 1.2003 of the Commission's rules, Forum hereby 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, 21 U.S.C. § 853(a).

(p) Streamlined Processing

This application qualifies for streamlined processing because: (1) Forum's affiliated foreign carriers qualify—both individually and collectively—for presumptions of non-dominance in Mexico under Section 63.10(a)(3) of the Commission's rules; (2) Forum is unaffiliated with any domestic carrier; and (3) Forum does not seek authority to provide switched basic services over private lines to any countries for which the Commission has not previously authorized such service.

Conclusion

For the foregoing reasons, Forum respectfully requests the Commission to grant this application under its streamlined processing procedures.

Respectfully submitted
FORUM HOLDING, INC.

By:



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April 11, 2000