

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: _____

SR
✓



FCC/MELLON

MAY 09 2008

O'MELVENY & MYERS LLP

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CENTURY CITY
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NEWPORT BEACH
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LONDON
SHANGHAI
TOKYO

May 9, 2000

OUR FILE NUMBER
313,484-001

BY HAND DELIVERY

WRITER'S DIRECT DIAL
202-383-5354

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

WRITER'S E-MAIL ADDRESS
trosenberg@ommm.com

Re: Section 214 Application

Dear Sir/Madam:

Submitted herewith is an original and five copies of an application requesting section 214 authorization from GNG Networks America Inc. for global facilities-based authority and global resale authority.

A check in the amount of \$780.00 is attached to cover the requisite filing fee. Also enclosed is a duplicate copy of the application. Kindly date-stamp the duplicate as received and return it in the envelope provided.

Kindly direct any questions regarding this matter to the undersigned.

Very truly yours,

Todd D. Rosenberg
for O'MELVENY & MYERS LLP

Enclosure

cc: Dana Frix
Hwan Kim
Son I. Lee

DC1:431980.1

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

APPROVED BY OMB 3060-0589

(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)

O'Melveny & Myers, LLP

(3) TOTAL AMOUNT PAID (dollars and cents)

\$ 780.00

(4) STREET ADDRESS LINE NO. 1

555 13th Street, N.W., Suite 500W

(5) STREET ADDRESS LINE NO. 2

(6) CITY

Washington

(7) STATE

D.C.

(8) ZIP CODE

20004-1109

(9) DAYTIME TELEPHONE NUMBER (include area code)

(202)383-5300

(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)

GNG Networks America Inc.

(12) STREET ADDRESS LINE NO. 1

HansolM.com Building 12th Floor

(13) STREET ADDRESS LINE NO. 2

1321-11, Suh-Cho Dong, Suh-Cho Gu

(14) CITY

Seoul

(15) STATE

(16) ZIP CODE

137-070

(17) DAYTIME TELEPHONE NUMBER (include area code)

(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

\$ 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

FCC USE ONLY

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2

PAYER TIN

0 9 5 1 0 6 6 5 9 7

APPLICANT TIN

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT

I, Todd Rosenberg, Certify under penalty of perjury that the foregoing and supporting information

(PRINT NAME)

are true and correct to the best of my knowledge, information and belief. SIGNATURE Todd Rosenberg

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28) MASTERCARD/VISA ACCOUNT NUMBER

XX

EXPIRATION DATE:

MONTH YEAR

MASTERCARD

AUTHORIZED SIGNATURE

VISA

DATE

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

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

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

In the Matter of)
)
)

GNG Networks America Inc.

) File No. ITC-214-2000-_____
)
)

Application for Global Authority Pursuant)
to Section 214 of the Communications Act)
of 1934, as Amended, to Operate as an)
International Facilities-Based and Resale Carrier)
Between the United States and All International)
Points, Except Those on the Commission's)
Exclusion List)
_____)

APPLICATION

GNG Networks America Inc. (“GNA” or “Applicant”), by its undersigned counsel, hereby requests global facilities-based authority and global resale authority, under Section 214 of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 214, and Section 63.18 of the Commission’s Rules, 47 C.F.R. § 63.18, to provide international telecommunications services between the United States and international points.

I. The Applicant

GNA is a corporation organized under the laws of the State of Delaware. While GNA is affiliated, within the meaning of Section 63.09(e) of the Commission’s Rules, 47 C.F.R. § 63.09(e), with a foreign carrier, GNA is not affiliated with a carrier classified as “dominant” by the Commission. As described in greater detail below, given that GNA is not a monopoly provider of telecommunications services in a relevant market in a destination country, GNA lacks sufficient market power on the foreign end of any route to affect competition adversely in the U.S. telecommunications market. Accordingly, GNA qualifies for the presumption of non-

dominance under Section 63.10(a)(3) of the Commission's Rules, 47 C.F.R. § 63.10(a)(3), and therefore this Application is eligible for streamlined processing.

II. Public Interest Considerations

GNA believes that the added competition its entry will bring to the market will benefit the consumers of United States-overseas services. These benefits include competitive pricing and increased availability of a variety of service options. Therefore, a grant of this Application will further the public interest.

III. Information Required by Section 63.18

GNA submits the following information, as required by Section 63.18 of the Commission's Rules, in support of its request for Section 214 authorization:

- (a) Name, address and telephone number of Applicant:
GNG Networks America Inc.
HansolM.com Building 12th Floor
1321-11, Suh-Cho Dong, Suh-Cho Gu, Seoul
Korea, 137-070
- (b) Applicant is incorporated under the laws of Delaware.
- (c) Correspondence concerning this Application should be sent to:
Dana Frix, Esq.
Todd D. Rosenberg, Esq.
O'Melveny & Myers LLP
555 13th Street, N.W.
Suite 500 West
Washington, DC 20004-1109
(202) 424-7500 (Telephone)
(202) 424-7643 (Facsimile)

with a copy to:

Mr. Myung Hwan Suh
Chairman of the Board, President and Chief Executive Officer
GNG Networks America Inc.
HansolM.com Building 12th Floor
1321-11, Suh-Cho Dong, Suh-Cho Gu, Seoul
Korea, 137-070

- (d) GNA has not previously received authority under Section 214 of Act. Upon grant of this Application, GNA will become an authorized non-dominant facilities-based carrier and reseller with global authority, pursuant to Section 214 of the Act and the Commission's Rules.
- (e) (1) GNA requests Section 214 authority to operate as a facilities-based carrier pursuant to Section 63.18(e)(1) of the Commission's Rules. GNA requests such authorization for all international routes authorized by the Commission. GNA certifies that it will comply with the terms and conditions of Sections 63.21 and 63.22 of the Commission's Rules.

- (2) GNA also requests Section 214 authority to resell the international services of authorized U.S. common carriers pursuant to Section 63.18(e)(2) of the Commission's Rules. GNA requests such authorization for all international routes authorized by the Commission. GNA certifies that it will comply with the terms and conditions contained in Section 63.21 and 63.23 of the Commission's Rules.

- (f) GNA seeks the authority to provide only the services referenced under paragraph (e) of Section 63.18 of the Commission's Rules.

- (g) Given that GNA is not seeking facilities-based authority pursuant to Section 63.18(e)(4) of the Commission's Rules, this Section is not applicable.

- (h) (1) Information regarding GNA's 10% or greater direct or indirect shareholders is as follows:

Name: GNG Networks, Inc.

Address: GNG Networks, Inc.
HansolM.com Building 12th Floor
1321-11, Suh-Cho Dong, Suh-Cho Gu, Seoul
Korea, 137-070

Percentage Held: 100%

Jurisdiction of
Incorporation: Republic of Korea

Principal Business: Telecommunications

- (2) Information regarding GNG Networks, Inc.'s 10% or greater direct or indirect shareholders is as follows:

(a) Name: Network Investors (PAPE II) Ltd

Address: Lot 2&3, Level 3, Wisma Lazenda, Jalan
Kremanjuran
PO Box 81479, 87024 Wilayah Persekutuan Labuan,
East Malaysia

Percentage Held: 18.8%

Jurisdiction of
Incorporation: Malaysia

Principal Business: Investments

(b) Name: KGRF Korea Investment Co., Ltd.
c/o Shearn Skinner Trust Co. Sdn Bhd
Lot 2&3, Level 3, Wisma Lazenda, Jalan
Kremanjuran
PO Box 81479, 87024 Wilayah Persekutuan Labuan,
East Malaysia

Percentage Held: 11.68%

Jurisdiction of
Incorporation: Malaysia

Principal Business: Investments

Network Investors (Pape II) Ltd. is, in turn, 100% owned by Prudential Asset Management Asia, Ltd. and KGRF Korea Investment Co., Ltd. is, in turn, 100% owned by H&Q Asia Pacific (H.K.), Ltd.

(3) GNA has no interlocking officers or directors to report.

(i) GNA certifies that it is not a foreign carrier. GNA is affiliated with GNG Networks, Inc. (“GNG Networks”), a telecommunications carrier licensed in the Republic of Korea. GNG Networks has less than 50 percent of the market share of the international transport and local access telecommunications markets in Korea, and thus can be classified as non-dominant under the Commission’s Rules.

(j) GNA seeks to provide international telecommunications services to all global points, except those points on the Commission’s Exclusion List. In particular, GNA seeks authority to provide international telecommunications services to the Republic of Korea, where it is affiliated with GNG Networks, a foreign carrier. Specifically, GNA is a wholly-owned subsidiary of GNG Networks.

- (k) GNA makes the following showings:
- (1) The Republic of Korea is a member of the World Trade Organization (“WTO”).
 - (2) GNG Networks lacks market power in the destination country. As noted above, GNG Networks has less than 50 percent of the market share of the international transport and local access telecommunications markets in Korea, and thus can be classified as non-dominant under the Commission’s Rules.
- (l) As noted above, GNG Networks has less than 50 percent of the market share of the international transport and local access telecommunications markets in Korea, and thus can be classified as presumptively non-dominant under Section 63.10(a)(3) if the Commission’s Rules.
- (m) As described above, GNA and GNG Networks presumptively qualify for nondominant treatment for the provision of all international telecommunications services.
- (n) GNA certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier 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) GNA certifies, pursuant to Sections 1.2001 through 1.2003 of the Commission’s Rules (implementing the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 3301), that no party to its Application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) GNA qualifies for streamlined processing pursuant to Section 63.12(c)(1)(ii) of the Commission’s Rules because, as set forth above in Section (1), GNA qualifies for a presumption of nondominance under Section 63.10(a)(3) of the Commission’s Rules.

IV. Conclusion

For the reasons stated above, GNG Networks America Inc. respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Section 214 Application.

Respectfully submitted,

By:


Dana Frix, Esq.

Todd D. Rosenberg, Esq.

O'Melveny & Myers LLP

555 13th Street, N.W.

Suite 500 West

Washington, DC 20004-1109

(202) 383-5354 (tel)

(202) 383-5414 (fax)

Counsel for GNG Networks America Inc.

Dated: May 9, 2000

CERTIFICATION OF APPLICANT

On behalf of GNG Networks America Inc. and in accordance with Section 1.2001-1.2003 of the Commission's Rules, 47 C.F.R. §§ 1.2001-1.2003, I hereby certify that no party to this Application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. See 21 U.S.C. § 853a. I also hereby certify that the statements in the foregoing Application for Section 214 authority are true, complete, and correct to the best of my knowledge and are made in good faith.

To the extent required by the Commission's Rules, GNG Networks America Inc. has not agreed to accept any special concessions directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flow between the United States and various international points under the authority granted under Section 214 of the Communications Act of 1934, as amended, and the Commission's Rules, and has not agreed to enter into such agreements in the future.

GNG Networks America Inc.

By:



Name: Myung Hwan Suh

Title: Chairman of the Board, President
and Chief Executive Officer

Date: May 9, 2000