

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: _____

15

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VIA BARRY BEST

Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

Re: NDNT, Inc.
Application for Section 214 Authorization

Dear Ms. Salas:

On behalf of NDNT, Inc., please find enclosed an original and five copies of the above-captioned application. We have also attached the requisite FCC Form 159 and an application filing fee of \$780.

Please date-stamp the extra copy of this application and return it in the enclosed self-addressed, stamped envelope. Any questions regarding the enclosed application should be addressed to the undersigned.

Respectfully submitted,

Kira A. Merski
Kira A. Merski
Attorney for NDNT, Inc.

Enclosures

Newport Beach, California 92660. The phone number at that address is (949) 474-1001.

(b) NDNT is a California corporation.

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

Mr. Dan Gee
 President and C.E.O.
 NDNT, Inc.
 4400 MacArthur Blvd., Suite 410
 Newport Beach, California 92660
 (949) 474-1001

With a copy to:

Jeffrey H. Olson, Esq.
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(d) NDNT has not received authority previously under Section 214 of the Act. NDNT is a wholly-owned subsidiary of DirectNet Telecommunications, a Limited Liability Co. (“DirectNet”). DirectNet is presently authorized under Section 214 of the Act to provide facilities-based and resold switched and private lines services between the United States and all international points.^{1/} In addition, DirectNet holds Section 214 certificates authorizing DirectNet to resell other carriers’ public-switched services^{2/} and

^{1/} See DirectNet Telecommunications, A Limited Liability Company, File No. ITC-97-094, DA 97-938 (International Bureau, May 6, 1997) (“DirectNet Section 214 Authorization”).

^{2/} DirectNet received a Section 214 certification to resell international switched telecommunications between the U.S. and various international points on January 23, 1994. See File No. I-T-C-94-053, I-6917 (Common Carrier Bur., (continued...))

to own and operate facilities to provide a full range of international telecommunications services on both a private line and public-switched basis.^{2/}

(e) NDNNT hereby requests global Section 214 authority:

(1) to operate as a facilities-based international carrier between the United States and all permissible points, pursuant to the terms and conditions of Section 63.18(e)(1) of the Rules, as well as to any and all other provisions of the Rules applicable hereto; and

^{2/}(...continued)
Jan. 26, 1994).

^{3/} Under File No. I-T-C-94-140-AL, DirectNet received an authorization to establish and operate up to 90 circuits via Intersputnik for the provision of private-line services between the United States and the Soviet Union and to establish and operate up to 60 circuits via Intersputnik for the provision of public switched services between the United States and the Russian Federation by assignment from DirectNet Ltd, which had received such authorization by assignment from Miralite Communications, Inc., under File No. I-T-C-93-119-AL. Miralite had received these authorizations under File No. I-T-C-91-056, Miralite Communications, Inc., 6 FCC Rcd 5040 (1991) (authorization to establish and operate up to 90 circuits via Intersputnik for the provision of private-line services between the United States and the Soviet Union) and under File No. I-T-C-91-153, American Telephone and Telegraph Company, 8 FCC Rcd 2668 (1993) (authorization to establish and operate up to 60 circuits via Intersputnik for the provision of public switched services between the United States and the Russian Federation).

Under File No. I-T-C-95-132, DirectNet received an authorization to establish and operate three E-1 circuits in the CANUS-1 cable system between the United States and Canada, and a one-half interest in three E-1 circuits in the CANTAT-III Cable System between Canada and Denmark, for the provision of authorized services -- on both a public-switched and private line basis -- between the United States and various points in Europe and Asia. DirectNet Telecommunications, a Limited Liability Company, 10 FCC Rcd 6560 (1995).

Under File No. I-T-C-95-478, DirectNet received an authorization to lease and operate a one-half interest in one E-1 circuit in the HGPT, APC and TPC-4 Cable Systems, for the provision of authorized services -- on both a public-switched and private line basis -- between the United States and the Philippines. DirectNet Telecommunications, a Limited Liability Company, 10 FCC Rcd 12604 (1995).

- (2) to resell international services, between the United States and all permissible points pursuant to the terms and conditions of Section 63.18(e)(2) of the Rules, as well as any and all other provisions of the Rules applicable hereto.

The authorization sought in this application will be used to provide a full range of telecommunications services, including switched voice and data and private line services, between the United States and all permissible foreign points.

(f) Not applicable.

(g) Not applicable.

- (h) NDNT is a wholly-owned subsidiary of:
 DirectNet Telecommunications, a Limited Liability Co.
 4400 MacArthur Blvd., Suite 410
 Newport Beach, CA 92660
 Nevada Limited Liability Company
 Principal Business: Telecommunications

DirectNet Telecommunications, a Limited Liability Co. is a wholly-owned subsidiary of:

DirectNet Telecommunications, Inc. ✓
 4400 MacArthur Blvd., Suite 410
 Newport Beach, CA 92660
 Nevada Corporation
 Principal Business: Telecommunications

The 10% or greater direct or indirect equity owners of DirectNet Telecommunications, Inc. are as follows:

Sector Capital Fund Limited
 c/o International Private Equity Services Ltd.
 P. O. Box 431
 13-15 Victoria Road
 St. Peter Port
 Guernsey
 Channel Islands
 CY1 3 ZD
 United Kingdom
 Principal Business: Investments
 29% ownership of DirectNet Telecommunications, Inc.

Andresen Family Trust
 Frederick R. Andresen and Betty R. Andresen,
 Trustees of the Andresen Family Trust dated January 9, 1995
 541 Hazel Drive
 Corona del Mar, CA 92625
 Citizenship: USA
 Principal Business: Investments
 15% ownership of DirectNet Telecommunications, Inc.

Fourcher Family Trust
 Fredric J. Fourcher and Adriana Fourcher, Trustees,
 Fourcher Family Trust U/D/T October 29, 1998
 507 Larkspur
 Corona del Mar, CA 92625
 Citizenship: USA
 Principal Business: Investments
 20% ownership of DirectNet Telecommunications, Inc.

Telecom Investment Group, LLC
 25200 La Paz Road, Suite 210
 Laguna Hills, CA 92653
 Citizenship: USA
 Principal Business: Investments
 17% ownership of DirectNet Telecommunications, Inc.

- (i) NDNNT hereby certifies, under penalty of perjury, that -- with the exception of DirectNet - ZAO Russian Joint Stock Company ("DirectNet - ZAO"), an entity incorporated in the Russian Federation and fully-owned by DirectNet⁴ -- NDNNT has no affiliations with foreign carriers. NDNNT has no interlocking directorates with foreign carriers, except those with DirectNet - ZAO. DirectNet - ZAO holds licenses from the Russian Federation permitting it to (1) operate as an "overlay carrier," *i.e.*, to terminate traffic to, and to originate traffic from, licensed

⁴DirectNet is in the process of transferring ownership of DirectNet - ZAO to NDNNT. Such transfer will not materially affect this application or the proposed operations of NDNNT.

users on a private-line basis, (2) operate point-to-point data channels, (3) interconnect with the Public-Switched Telephone Network, (4) provide frame relay services, and (5) provide Internet and voice over IP services. The Commission has previously determined that a predecessor company to DirectNet - ZAO lacks the ability to discriminate against unaffiliated U.S. carriers.^{5/}

(j) NDNNT seeks to provide international telecommunications services to the Russian Federation. NDNNT is affiliated with DirectNet - ZAO, a carrier in the Russian Federation.

(k) NDNNT hereby certifies, under penalty of perjury, that the only foreign carrier with which it is affiliated, DirectNet - ZAO, does not own or control any telecommunications facilities in any country, including the Russian Federation, the one country in which it holds a license to provide international services.

DirectNet - ZAO does not have the ability to discriminate against unaffiliated U.S. international carriers through control of bottleneck services or facilities in the Russian Federation.

(l) NDNNT hereby certifies, under penalty of perjury, that it has no affiliation with any U.S. carriers -- other than its parent company, DirectNet -- whose facilities-based services it proposes to resell.

^{5/} See DirectNet Section 214 Authorization, ¶ 8. The entity that the Commission determined lacked the ability to discriminate against unaffiliated U.S. carriers - DirectNet Russian Joint Stock Company -- has since changed its name to DirectNet - ZAO Russian Joint Stock Company. As stated above, DirectNet - ZAO Russian Joint Stock Company is NDNNT's current foreign affiliate.

- (m) NDNT seeks to operate as a non-dominant U.S. facilities-based and resale international carrier between the United States and the Russian Federation, the only destination country in which NDNT is affiliated with a foreign carrier. Because, as noted above, the Commission has previously determined that DirectNet - ZAO lacks the ability to discriminate against unaffiliated U.S. carriers in the Russian Federation, NDNT should be considered non-dominant.
- (n) NDNT hereby certifies, under penalty of perjury, that it has not agreed to accept -- nor will it agree to accept -- special concessions directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows between the U.S. and any foreign country that NDNT may serve under the authority granted pursuant to Part 47 of the Rules.
- (o) Pursuant to Sections 1.2001 through 1.2003 of the Rules, by certification attached hereto, NDNT certifies 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.
- (p) Under Section 63.12 of the Rules, this application is subject to the Commission's streamlined processing rules because NDNT is a non-dominant carrier pursuant to Section 63.10 of the Rules, and because the Commission has previously determined that the only foreign carrier with which NDNT is affiliated -- DirectNet -

