

**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: _____

REGISTRATION

JUN 07 2000



O'MELVENY & MYERS LLP

LOS ANGELES
CENTURY CITY
IRVINE
NEWPORT BEACH
NEW YORK
SAN FRANCISCO

555 13th Street, N.W.
Washington, D.C. 20004-1109
TELEPHONE (202) 383-5300
FACSIMILE (202) 383-5414
INTERNET: www.ommm.com

TRISONS CORNER
HONG KONG
LONDON
SHANGHAI
TOKYO

June 7, 2000

OUR FILE NUMBER
351,960-001

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 Hanaro Telecom 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
Gyu-gn Si

DC1:435050.1

READ INSTRUCTIONS CAREFULLY

BEFORE PROCEEDING

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)
Hanaro Telecom America, Inc

(12) STREET ADDRESS LINE NO. 1
Kukje Electronics Bldg, 21F 1445-3,
Seocho-dong, Seocho-ku

(13) STREET ADDRESS LINE NO. 2

(14) CITY
Seoul

(15) STATE

(16) ZIP CODE
137-728

(17) DAYTIME TELEPHONE NUMBER (include area code)

(18) COUNTRY CODE (if not in U.S.A.)
KR

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
1

(22A) FEE DUE FOR (PTC) IN BLOCK 2A
\$ 780.00

FCC USE ONLY

(23A) FCC CODE 1

(24A) FCC CODE 2

(19B) FCC CALL SIGN/OTHER ID

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22B) FEE DUE FOR (PTC) IN BLOCK 2B
\$

FCC USE ONLY

(23B) FCC CODE 1

(24B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 2C
\$

FCC USE ONLY

(23C) FCC CODE 1

(24C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 2D
\$

FCC USE ONLY

(23D) FCC CODE 1

(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25)

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

MASTERCARD/VIISA ACCOUNT NUMBER

EXPIRATION DATE

MONTH YEAR

VISA

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

AUTHORIZED SIGNATURE

DATE

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)

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

HTA 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

HTA 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:
Hanaro Telecom America Inc.
Kukje Electronics Bldg., 21F 1445-3,
Seocho-dong, Seocho-ku,
Seoul, Korea 137-728
- (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:

Jae-Dong Jang
Chairman of the Board, President and Chief Executive Officer
Hanaro Telecom America Inc.
Kukje Electronics Bldg., 21F 1445-3,
Seocho-dong, Seocho-ku,
Seoul, Korea 137-728

- (d) HTA has not previously received authority under Section 214 of Act. Upon grant of this Application, HTA 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) HTA requests Section 214 authority to operate as a facilities-based carrier pursuant to Section 63.18(e)(1) of the Commission's Rules. HTA requests such authorization for all international routes authorized by the Commission. HTA certifies that it will comply with the terms and conditions of Sections 63.21 and 63.22 of the Commission's Rules.
(2) HTA 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. HTA requests such authorization for all international routes authorized by the Commission. HTA certifies that it will comply with the terms and conditions contained in Section 63.21 and 63.23 of the Commission's Rules.
 - (f) HTA seeks the authority to provide only the services referenced under paragraph (e) of Section 63.18 of the Commission's Rules.
 - (g) Given that HTA 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 HTA's 10% or greater direct or indirect shareholders is as follows:
 - Name: Hanaro Telecom, Inc.
 - Address: Kukje Electronics Bldg., 21F 1445-3, Seocho-dong, Seocho-ku, Seoul, Korea 137-728
 - Percentage Held: 100%
 - Citizenship: Republic of Korea
 - Principal Business: Telecommunications
- Information regarding Hanaro Telecom, Inc.'s 10% or greater direct or indirect shareholders is as follows:

Name: Dacom Corporation
Address: 706-1, Yoksam-dong
Kangnam-gu, Seoul, 135-080
Korea

Percentage Held: 15.14%¹
Citizenship: Korea
Principal Business: Telecommunications, Information Technologies

Name: Samsung Electronics Co. Ltd.²
416 Maetan3-dong
Paldal-gu, Suwon, 442-742
Korea
Percentage Held: 9.89%
Citizenship: Korea
Principal Business: Electricity and Electronics Equipment

(2) HTA has no interlocking officers or directors to report.

(i) HTA certifies that it is not a foreign carrier. HTA is affiliated with Hanaro Telecom, Inc. (“Hanaro”), a telecommunications carrier licensed in the Republic of Korea and Dacom, a telecommunications carrier licensed in the Republic of Korea. Both Hanaro and Dacom have 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.³

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

(k) HTA makes the following showings:

(1) The Republic of Korea is a member of the World Trade Organization (“WTO”).

(2) Hanaro lacks market power in the destination country. As noted above, Hanaro has less than 50 percent of the market share of the international transport

¹ Dacom Corporation’s shareholdings include shares directly held by LG Electronics Inc., LG Telecom Co., Ltd. and LG Information & Communications Co., Ltd.

² Samsung Electronics Co.’s shareholdings include shares directly held by Seoul Commtech Co., Ltd.

³ Korea Telecom is the dominant provider of domestic and international services in the Republic of Korea. See *Korea Telecom America Application for Authority Under Section 214 of the Communications Act of 1934, as amended, to Provide Non-Interconnected Private Line Service Between the United States and the Republic of Korea and Resale of Switched Services Between the United States and the Republic of Korea*, Application, File No. ITC-98-160.

and local access telecommunications markets in Korea, and thus can be classified as non-dominant under the Commission's Rules.

- (l) As noted above, Hanaro 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, HTA and Hanaro presumptively qualify for nondominant treatment for the provision of all international telecommunications services.
- (n) HTA 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) HTA 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) HTA 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), HTA qualifies for a presumption of nondominance under Section 63.10(a)(3) of the Commission's Rules.

IV. Conclusion

For the reasons stated above, Hanaro Telecom 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 Hanaro Telecom America Inc.


Dated: June 5, 2000

CERTIFICATION OF APPLICANT

On behalf of Hanaro Telecom 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, Hanaro Telecom 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.

Hanaro Telecom America Inc.

By: 
Name: Jae-Dong Jang
Title: Chairman of the Board, President
and Chief Executive Officer
Date: June 5, 2000