Categories of Services for 214 Applications (Streamline/Non-streamline)

□ 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 □ SUBMARINE CABLE LANDING LICENSE □ AUTORA □ AUT	☐ LIMITED/GLOBAL FACILITIES-BASED/RESALE SERVICE	☐ LIMITED/GLOBAL RESALE SERVICE ☐ LIMITED/GLOBAL FACILITIES-BASED SERVICE
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Before the Federal Communications Commission Washington, D.C. 20554

GLOBAL BLANKET APPLICATION FOR SECTION 214 AUTHORITY

interconnected and non-interconnected private line services on either a facilities or resold basis between based non-interconnected and interconnected private line, Specifically, Applicant requests authority to provide facilities-based switched and facilitieson the resale carrier between the United States and all international points, except those countries listed of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.18 of the Commission's exclusion list. Commission's Rules, 47 C.F.R. §§ 63.18, to operate as an international facilities-based and Federal Communications Commission's ("FCC" TM(USA) Inc. ("TM(USA)" or "Applicant") hereby requests authority under Section 214 the United States and all international destinations, except those or the "Commission") exclusion list. resold switched points on the and resold

Commission for international simple resale ("ISR") or to foreign carriers that lack market power in the country at the foreign end of the private line. See 47 C.F.R. §§ 63.22(e)(1)-(e)(2), facilities or resold basis, to foreign destinations previously or hereafter approved by the 63.23(d)(1)-(d)(2). TM(USA) will restrict its provision of interconnected private line services, on either a

respect to the provision of services on the U.S.-Malaysia route noted herein, has agreed to comply to the Commission's dominant carrier regulations with concluded that Telekom Malaysia Berhad is dominant on the U.S.-Malaysia route, TM(USA), as and "affiliated." Act, 1965, TM(USA) is "affiliated" with Telekom Malaysia Berhad, which is a "foreign carrier" the in Malaysia (a WTO-member country) under the Commission's definitions of "foreign carrier" Telekom Malaysia Berhad, a Malaysian corporation organized under the Malaysian Companies U.S.-Malaysia, U.S.-Ghana, and U.S.-Guinea routes. As discussed below, TM(USA) is entitled to a presumption of non-dominance except on See 47 C.F.R. §§ 63.09(d),(e). Because the Commission has tentatively As a wholly-owned subsidiary of

respect to the provision of services on the U.S.-Ghana route noted herein, has agreed to comply to the Commission's dominant carrier regulations with tentatively concluded that Ghana Telecom is dominant on the U.S.-Ghana route, TM(USA), as "foreign carrier" and "affiliated." "foreign carrier" in Ghana (a WTO-member country) under the Commission's definitions of TM(USA) is also "affiliated" with Ghana Telecommunications Ltd. ("Ghana Telecom"), See 47 C.F.R. §§ 63.09(d),(e). Because the Commission has

agreed to comply to the Commission's dominant carrier regulations with respect to the provision concluded that Sotel Gui is dominant on the U.S.-Guinea route, TM(USA), as noted herein, has carrier" and "affiliated." See 47 C.F.R. §§ 63.09(d),(e). Because the Commission has tentatively carrier" in Guinea (a WTO-member country) under the Commission's definitions of "foreign of services on the U.S.-Guinea route addition, TM(USA) is "affiliated" with Sotel Gui S.A. ("Sotel Gui"), a

only mobile wireless facilities in Malawi carrier" facilities in Malawi, nor does it provide intercity or local services in that country. Although the Commission has determined that MPTC is "dominant" on the U.S.-Malawi route, carrier" and "affiliated." See 47 C.F.R. §§ 63.09(d),(e). TNM, a joint venture between Telekom Malaysia Berhad and the Malawi Posts and Telecom Corporation ("MPTC") in which Telekom TNM does TM(USA) is also "affiliated" with Telekom Networks Malawi Ltd. ("TNM"), a "foreign in Malawi (a Berhad holds a 60 percent stake, provides cellular service in four cities in Malawi. not control international transport facilities, intercity WTO-member country) under the Commission's definitions of "foreign facilities or local TNM owns

prices, and promote more efficient use of facilities for international services entrance into the United States international services market would promote competition, lower dominant carrier basis would further the public interest, convenience, and necessity. provide international services on the U.S.-Malaysia, U.S.-Ghana, and U.S.-Guinea routes Nonetheless, in spite of these affiliations with foreign carriers, permitting Applicant to Applicant's

Commission's Rules, 47 C.F.R. §§ 63.12 (a), (c)(1)(iii),(v). presumption of non-dominant treatment on all other U.S.-international routes, this application regulations on the U.S.-Malaysia, Accordingly, given that TM(USA) will comply with the Commission's dominant carrier Ö streamlined treatment pursuant U.S.-Ghana, to Sections 63.12(a), (c)(1)(iii), (v)and U.S.-Guinea routes and is entitled of the

pursuant to Section 63.18 of the Commission's Rules, 47 C.F.R. § 63.18: Section 214 of the Communications Act of 1934, Applicant submits the following information support of its request for global facilities-based and resale authority pursuant

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

TM(USA) Inc. c/o Corporation Service Company 1013 Centre Road Wilmington, DE 19805 1-800-927-9800

- **b** Applicant is organized under the laws of the state of Delaware
- (c) Correspondence concerning this application should be addressed to:

Ms. Wang Cheng Yong
Second Floor
Ibu Pejabat Telekom Malaysia Berhad
Jalan Pantai Baru
50672 Kuala Lumpur
MALAYSIA
011-603-208-2142

Dr. Razali Harun Second Floor Ibu Pejabat Telekom Malaysia Berhad Jalan Pantai Baru 50672 Kuala Lumpur MALAYSIA 011-603-208-8570

Please send copies of any correspondence to:

Fred F. Fielding
Carl R. Frank
Wiley, Rein & Fielding
1776 K Street, NW
Washington, D.C. 20006

- (d) Applicant has not received any prior Section 214 authorizations.
- international destinations, except those countries listed on the FCC's exclusion list. authorization to operate as a facilities-based and resale carrier between the United States and all Commission's (e)(1), (2), (f) Pursuant to the terms and conditions of sections 63.18(e)(1) and 63.18(e)(2) of the Rules, 47 C.F.R. 88 63.18(e)(1)-(e)(2), Applicant requests Section 214 Applicant

dominant carrier regulation on the U.S.-Malaysia, U.S.-Ghana, and U.S.-Guinea routes 63.23 of the Commission's Rules, 47 certifies that it will comply with the terms and conditions contained in sections 63.21, 63.22, and C.F.R. §§ 63.21, 63.22, 63.23. Applicant agrees to accept

- (g) Not applicable.
- Ξ greater shareholders are The name, address, citizenship, and principal business of the Applicant's ten percent 10

50672 Kuala Lumpur Jalan Pantai Baru Ibu Pejabat Telekom Malaysia Berhad (a company incorporated under the Malaysian Companies Act, 1965) Telekom Malaysia Berhad

Principal Business: Telecommunications Ownership interest: 100 percent

MALAYSIA

- 63.09(d),(e): under the Commission's TM(USA) is "affiliated" definitions of "foreign carrier" with "foreign carriers" in Malaysia, Ghana, Guinea, and Malawi and "affiliated." See 47 C.F.R.
- country). "affiliated" with Telekom Malaysia Berhad, a full service carrier in Malaysia (a WTO member Malaysia (1) Telekom Malaysia Berhad: Applicant is a wholly-owned subsidiary of, and The Commission has declared Telekom Malaysia Berhad to be a "dominant" carrier in
- corporation organized under the laws of Ghana (a WTO member country) that owns a "dominant" carrier in Ghana subsidiary in Ghana Telecom. 2) of Telekom Malaysia Berhad, Ghana Telecom: The Commission has tentatively concluded that Ghana Telecom is Telekom Malaysia owns 85 International percent of the Sdn. equity of G-Com Ltd., Bhd., a wholly-owned 30 percent

- tentatively concluded that Sotel Gui is a "dominant" carrier in Guinea telecommunications Sotel Gui: Telekom Malaysia Berhad owns 60 percent of the equity in Sotel Gui, a carrier in Guinea (a WTO member country). The Commission has
- nor does it provide intercity or local services in that country. TNM owns only mobile wireless control international transport facilities, intercity facilities or facilities in Malawi Commission has tentatively concluded that MPTC is "dominant" in Malawi, TNM does not holds 60 percent of the equity in TNM, and MPTC holds the remaining 40 percent. Although the to provide cellular service in four cities in Malawi. As noted above, Telekom Malaysia Berhad Malaysia Berhad and the Malawi Posts and Telecom Corporation ("MPTC"). TNM is licensed (4) Telekom Networks Malawi Ltd. ("TNM"): TNM is a joint venture between Telekom local access facilities in Malawi,
- Sotel Gui (a foreign carrier in Guinea); and TNM (a foreign carrier in Malawi) wholly-owned subsidiary of Telekom Malaysia Berhad, which is a "foreign carrier" Section 63.18(j) of the Commission's Rules, 47 C.F.R. § 63.18(j), Applicant certifies foreign countries except those on the Commission's exclusion list. Accordingly, pursuant to 9 Applicant further certifies that it is "affiliated" with Ghana Telecom (a foreign carrier in Ghana); U.S.-Ghana, U.S.-Guinea, and U.S.-Malawi routes and between the United States and all other Applicant seeks to provide international telecommunications services on the U.S.-Malaysia, in Malaysia.
- Ghana, Guinea, Malawi, and Malaysia are Members of the WTO
- Ξ dominant carrier regulations, including the requirements of Sections 63.10 and 43.61(c) of the (Telecom Ghana), and Guinea (Sotel Gui) have tentatively been declared dominant by the (\mathbb{B}) TM(USA)'s Accordingly, affiliated carriers in Malaysia (Telekom Malaysia Berhad), Ghana TM(USA) certifies that it will comply with the Commission's

services in that country. TNM owns only mobile wireless facilities in Malawi intercity dominant on the U.S.-Malawi route, TNM does not control international transport facilities, concluded that MPTC, Telekom Malaysia Berhad's U.S.-Malaysia, Commission's Rules, 47 C.F.R. §§ 63.10, 43.61(c), with respect to provision of services on the facilities or local access facilities in Malawi, nor does it provide intercity or local U.S.-Ghana, and U.S.-Guinea routes. partner in the TNM joint venture, Although the Commission has

- possesses sufficient market power on the foreign end of the route to affect competition adversely Section 63.14 from any foreign carrier with respect to any U.S. international route where the foreign carrier (n) Applicant certifies that it has not agreed to accept special concessions directly or indirectly the U.S. market and will not enter into such agreements in the future, except as permitted by
- 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853(a). (o) Applicant certifies pursuant to Section 1.2001 through 1.2003 of the Commission's Rules, 47 §§ 1.2001-1.2003, that it is not subject to a denial of Federal benefits pursuant to Section
- streamlined processing because TNM, a "foreign carrier" in Malawi that is "affiliated" with dominant carrier on the U.S.-Malaysia, U.S.-Ghana, and U.S.-Guinea routes under Section 63.10 Malawi, and Malaysia are WTO Member countries and Applicant agrees to be classified as a (p) This application qualifies for streamlined processing under Sections 63.12(a), (c)(1)(iii), (v) TM(USA), does not control international transport facilities, intercity facilities or local access reclassification the Commission's Rules, 47 C.F.R. §§ 63.12 (a), (c)(1)(iii), (v), because Ghana, Guinea, the Commission's at a later date. Rules, 47 C.F.R. TM(USA) further notes that this application is § 63.10, without prejudice to its right to eligible petition for

only mobile wireless facilities in Malawi. facilities in Malawi, nor does it provide intercity or local services in that country. TNM owns

CONCLUSION

international points. 214 authorization to offer facilities-based and resale services between the United States and all For the foregoing reasons, TM(USA) Inc. requests that the Commission grant it Section

Respectfully submitted,

 $TM(US_{A})$ Inc.

By:

Dr. Razali Harun Director, TM(USA) Inc.

June <u>3</u>, 2000

	V	for the service(s)/authorization(s) herein described.
"	AUTHORIZED SIGNATURE	I hereby authorize the FCC to charge my VISA or MASTERCARD
MONTH YEAR		MASTERCARD
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Attached is our check in full settlement of items shown hereon. If not correct, please return with explanation or call us at (202)718-7512. S SECTION 214 APPLICATION Description 06/22/2000 Invoice No. Amount of Invoice 780.00 Total Discount Check Date 06/22/2000 780.00 780.00 Net