

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

*p/n 917
FIRST*

Description of Application: Domestic Routes

Spain

Austria

}

FCC/MELTON

JUN 22 2000

COPY

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
 TM(USA) Inc.) File No. ITC-214-_____
)
 Global Blanket Application Pursuant to)
 Section 214 of the Communications)
 Act of 1934, as Amended, for Authority to)
 Operate as an International Facilities-Based)
 and Resale Carrier)

GLOBAL BLANKET APPLICATION FOR SECTION 214 AUTHORITY

TM(USA) Inc. (“TM(USA)” or “Applicant”) hereby requests authority under Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.18 of the Commission’s Rules, 47 C.F.R. §§ 63.18, to operate as an international facilities-based and resale carrier between the United States and all international points, except those countries listed on the Federal Communications Commission’s (“FCC” or the “Commission”) exclusion list. Specifically, Applicant requests authority to provide facilities-based switched and facilities-based non-interconnected and interconnected private line, resold switched and resold interconnected and non-interconnected private line services¹ on either a facilities or resold basis between the United States and all international destinations, except those points on the Commission’s exclusion list.

¹ TM(USA) will restrict its provision of interconnected private line services, on either a facilities or resold basis, to foreign destinations previously or hereafter approved by the 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), 63.23(d)(1)-(d)(2).

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

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

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

TM(USA) is also “affiliated” with Telekom Networks Malawi Ltd. (“TNM”), a “foreign carrier” in Malawi (a WTO-member country) under the Commission’s definitions of “foreign 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 Malaysia Berhad holds a 60 percent stake, provides cellular service in four cities in Malawi. Although the Commission has determined that MPTC is “dominant” on the U.S.-Malawi route, TNM does not control international transport facilities, intercity facilities or local access facilities in Malawi, nor does it provide intercity or local services in that country. TNM owns only mobile wireless facilities in Malawi.

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

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

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

- (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.

- (e)(1), (2), (f) Pursuant to the terms and conditions of sections 63.18(e)(1) and 63.18(e)(2) of the Commission's Rules, 47 C.F.R. §§ 63.18(e)(1)-(e)(2), Applicant requests Section 214 authorization to operate as a facilities-based and resale carrier between the United States and all international destinations, except those countries listed on the FCC's exclusion list. Applicant

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, 47 C.F.R. §§ 63.21, 63.22, 63.23. Applicant agrees to accept dominant carrier regulation on the U.S.-Malaysia, U.S.-Ghana, and U.S.-Guinea routes.

(g) Not applicable.

(h) The name, address, citizenship, and principal business of the Applicant's ten percent or greater shareholders are:

Telekom Malaysia Berhad
(a company incorporated under the Malaysian Companies Act, 1965)
Ibu Pejabat Telekom Malaysia Berhad
Jalan Pantai Baru
50672 Kuala Lumpur
MALAYSIA
Principal Business: Telecommunications
Ownership interest: 100 percent

(i) TM(USA) is "affiliated" with "foreign carriers" in Malaysia, Ghana, Guinea, and Malawi under the Commission's definitions of "foreign carrier" and "affiliated." See 47 C.F.R. §§ 63.09(d),(e):

(1) Telekom Malaysia Berhad: Applicant is a wholly-owned subsidiary of, and is, thus, "affiliated" with Telekom Malaysia Berhad, a full service carrier in Malaysia (a WTO member country). The Commission has declared Telekom Malaysia Berhad to be a "dominant" carrier in Malaysia.

(2) Ghana Telecom: Telekom Malaysia International Sdn. Bhd., a wholly-owned subsidiary of Telekom Malaysia Berhad, owns 85 percent of the equity of G-Com Ltd., a corporation organized under the laws of Ghana (a WTO member country) that owns a 30 percent stake in Ghana Telecom. The Commission has tentatively concluded that Ghana Telecom is a "dominant" carrier in Ghana.

(3) Sotel Gui: Telekom Malaysia Berhad owns 60 percent of the equity in Sotel Gui, a telecommunications carrier in Guinea (a WTO member country). The Commission has tentatively concluded that Sotel Gui is a “dominant” carrier in Guinea.

(4) Telekom Networks Malawi Ltd. (“TNM”): TNM is a joint venture between Telekom Malaysia Berhad and the Malawi Posts and Telecom Corporation (“MPTC”). TNM is licensed to provide cellular service in four cities in Malawi. As noted above, Telekom Malaysia Berhad holds 60 percent of the equity in TNM, and MPPTC holds the remaining 40 percent. Although the Commission has tentatively concluded that MPPTC is “dominant” in Malawi, TNM does not control international transport facilities, intercity facilities or local access facilities in Malawi, nor does it provide intercity or local services in that country. TNM owns only mobile wireless facilities in Malawi.

(j) Applicant seeks to provide international telecommunications services on the U.S.-Malaysia, U.S.-Ghana, U.S.-Guinea, and U.S.-Malawi routes and between the United States and all other foreign countries except those on the Commission’s exclusion list. Accordingly, pursuant to Section 63.18(j) of the Commission’s Rules, 47 C.F.R. § 63.18(j), Applicant certifies that it is a wholly-owned subsidiary of Telekom Malaysia Berhad, which is a “foreign carrier” in Malaysia. Applicant further certifies that it is “affiliated” with Ghana Telecom (a foreign carrier in Ghana); Sotel Gui (a foreign carrier in Guinea); and TNM (a foreign carrier in Malawi).

(k) Ghana, Guinea, Malawi, and Malaysia are Members of the WTO.

(l) & (m) TM(USA)’s affiliated carriers in Malaysia (Telekom Malaysia Berhad), Ghana (Telecom Ghana), and Guinea (Sotel Gui) have tentatively been declared dominant by the Commission. Accordingly, TM(USA) certifies that it will comply with the Commission’s dominant carrier regulations, including the requirements of Sections 63.10 and 43.61(c) of the

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

(n) Applicant certifies that it 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 sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future, except as permitted by Section 63.14.

(o) Applicant certifies pursuant to Section 1.2001 through 1.2003 of the Commission's Rules, 47 C.F.R. §§ 1.2001-1.2003, that it is not 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) This application qualifies for streamlined processing under Sections 63.12(a), (c)(1)(iii), (v) of the Commission's Rules, 47 C.F.R. §§ 63.12 (a), (c)(1)(iii), (v), because Ghana, Guinea, Malawi, and Malaysia are WTO Member countries and Applicant agrees to be classified as a dominant carrier on the U.S.-Malaysia, U.S.-Ghana, and U.S.-Guinea routes under Section 63.10 of the Commission's Rules, 47 C.F.R. § 63.10, without prejudice to its right to petition for reclassification at a later date. TM(USA) further notes that this application is eligible for streamlined processing because TNM, a "foreign carrier" in Malawi that is "affiliated" with TM(USA), does not control international transport facilities, intercity facilities or local access

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

CONCLUSION

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

Respectfully submitted,

TM(USA) Inc.

By: 

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

June 22, 2000

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WILEY, REIN & FIELDING
1776 K Street, N.W.
Washington, DC 20006
Operating Account

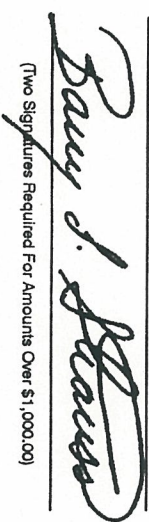
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Date	Amount
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Order of FCC

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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.

No. 127696
Check Date 06/22/2000

Description	Date	Invoice No.	Amount of Invoice	Discount	Net
SECTION 214 APPLICATION	06/22/2000		780.00	.00	780.00
Total					780.00

FCC

Remittance Advice
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