

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

9/15

Description of Application: _____

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB 3060-0589

REMITTANCE ADVICE

FCC PAGE NO. 1 OF 1 AUG 29 2000

SPECIAL USE

FCC USE ONLY

(1) LOCKBOX # 358115

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

Gardner, Carton & Douglas

(3) TOTAL AMOUNT PAID (dollars and cents)

\$ 780.00

(4) STREET ADDRESS LINE NO. 1

1301 K Street, N.W.

(5) STREET ADDRESS LINE NO. 2

Suite 900, East Tower

(6) CITY

Washington

(7) STATE

D.C.

(8) ZIP CODE

20005

(9) DAYTIME TELEPHONE NUMBER (include area code)

(202) 408-7100

(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)

Powernet Telcom, plc

(12) STREET ADDRESS LINE NO. 1

World Trade Center

(13) STREET ADDRESS LINE NO. 2

Exchange Quay

(14) CITY

Manchester

(15) STATE

United Kingdom

(16) ZIP CODE

M5 3E Telecom Division
International Bureau

(17) DAYTIME TELEPHONE NUMBER (include area code)

011 42 8000 35888

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

United Kingdom

COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

(19A) FCC CALL SIGN/OTHER ID

(20A) PAYMENT TYPE CODE (PTC)

C U T

(21A) QUANTITY

(22A) FEE DUE FOR (PTC) IN BLOCK 20A

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 20B

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 20C

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 20D

FCC USE ONLY

(23D) FCC CODE 1

(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN

0 3 6 1 1 1 7 8 4 0

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

APPLICANT TIN

0

(27) CERTIFICATION STATEMENT

I, _____, certify under penalty of perjury that the foregoing and supporting information are true and correct to the best of my knowledge, information and belief. SIGNATURE _____

(PRINT NAME)

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28) MASTERCARD/VISA ACCOUNT NUMBER:

MASTERCARD

EXPIRATION DATE:

MONTH YEAR

(29) VISA

AUTHORIZED SIGNATURE

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

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)

RECEIVED
SEP 06 2000

GARDNER, CARTON & DOUGLAS

1301 K STREET, N.W.

SUITE 900, EAST TOWER

WRITER'S DIRECT DIAL NUMBER

WASHINGTON, D.C. 20005

CHICAGO, ILLINOIS

Francis E. Fletcher, Jr.

(202)408-7111

fletcher@gcd.com

(202) 408-7100

FAX: (202) 289-1504

INTERNET: gcdlawdcd@gcd.com

August 29, 2000

VIA COURIER

Federal Communications Commission
Mass Media Bureau
P.O. Box 358115
Pittsburgh, Pennsylvania 15251-5115

Ladies and Gentlemen:

Transmitted herewith, on behalf of Powernet Telecom, plc are an original and five copies of an application under Section 214 of the Communications Act of 1934, as amended, for authority to provide international facilities-based and resale telecommunications services between the United States and international points. This application is eligible for streamlined processing pursuant to Section 63.12(c)(1)(ii) of the Commission's Rules.

Also enclosed are FCC Form 159 and a check made payable to the Federal Communications Commission in the amount of \$780.00 to cover the filing fee for this application.

Should any questions arise in connection with this application, kindly contact the undersigned.

Sincerely,



Francis E. Fletcher, Jr.

FEF/caf

Enclosures

82875-1

DC01/342442.1

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

RECEIVED
 SEP 06 2000
 Telecom Division
 International Bureau

In the Matter of
POWERNET TELECOM PLC

Application for Authority Pursuant to Section 214
of the Communications Act of 1934 and Sections
63.18(e)(1), (2) and (4) of the Commission's Rules
to Provide Global Facilities-Based and Resale,
Switched, Private Line, Voice, Data, Video And
Internet Transmission Services Between The United
States and Various International Points)

File No. I-T-C-____

STREAMLINED SECTION 214 APPLICATION

Powernet Telecom, plc ("Applicant") hereby requests authority under Section 214 of the Communications Act of 1934, as amended (the "Act"), to provide switched, private line, voice, data, video, and Internet transmission services between the United States and all international points, operating: (i) as a facilities-based carrier pursuant to the terms and conditions of Section 63.18(e)(1) of the Commission's Rules; and/or (ii) as a reseller pursuant to the terms and conditions of Section 63.18(e)(2). This application also requests authority pursuant to Section 63.18(e)(4) for Applicant to provide service as a non-dominant carrier between the United States and the United Kingdom. The following information is provided in response to the corresponding subsections of Section 63.18:

- (a) Name, address and telephone number:
 Powernet Telecom plc
 World Trade Centre
 Exchange Quay
 Manchester M5 3EJ

United Kingdom
011 42 8000 35888

(b) Powernet Telecom plc is a public company organized under the Companies Act of 1985 of the United Kingdom.

(c) Correspondence should be directed to:

Derek J. Abbass
Head of Global Infrastructure Services
Powernet Telecom plc
World Trade Centre
Exchange Quay
Manchester M5 3EJ
United Kingdom

With a copy to:

Thomas J. Dougherty
Gardner, Carton & Douglas
Suite 900 East Tower
1301 K Street N.W.
Washington, D.C. 20005

(d) The Applicant has not previously applied for or been granted authority under Section 214 of the Act.

(e) Powernet Telecom plc is requesting "global" Section 214 authority to operate: as a facilities-based carrier pursuant to the terms and conditions of Section 63.18(e)(1); and as a resale carrier pursuant to the terms and conditions of Section 63.18(e)(2). In addition, Applicant requests authority under Section 63.18(e)(4) to provide facilities-based and resale services between the U.S. and the U.K., and requests to be regulated as a non-dominant carrier on that route. For provision of such facilities-based services, Applicant will lease submarine fiber optic cable capacity from Global Crossing and/or other unaffiliated carriers or owners of such cable capacity. The Applicant certifies that it will comply with the terms and conditions contained in §63.21 and §63.22 and/or §63.23 of Part 63 of the Commission's Rules, as appropriate.

(f) Applicant requests authority in this application (i) to provide global facilities-based and resale authority to provide service between the U.S. and all international points where Applicant is not, and is not affiliated with, a foreign carrier and (ii) to operate as a non-dominant facilities-based and resale carrier between the U.S. and the U.K. where Applicant is a foreign carrier without market power.

- (g) Undersea cable systems for which Applicant seeks facilities-based Section 214 authorization pursuant to Section 63.18(e)(4) have already been constructed. Accordingly, authorization of the facilities is categorically excluded as defined by §1.1306 of the Commission's Rules.

- (h) Following are the names, addresses, citizenship and principal businesses of Applicant's ten percent or greater direct or indirect shareholders or other equity holders as required under Section 63.18(h)(2):

<u>Name and Address</u>	<u>Citizenship</u>	<u>Ownership</u>	<u>Principal Business</u>
The Marquis of Huntly FFA First CM Granville Charles Gordon Huntly Aboyne Castle Aberdeenshire AB34 5JP	British	16.95%	Chairman, Powernet Telecom
Ian Carey F Inst SMM 148 Manchester Road Wilmslow Cheshire SK9 2JW	British	48.03%	CEO Powernet Telecom

- (i) Powernet Telecom plc certifies that it is not, and has no affiliation with, a foreign carrier as defined under Section 63.09(d)-(e) of the Commission's Rules except that Powernet Telecom plc operates as a telecommunications carrier in the U.K. under an ISVR license from the Department of Trade and Industry.

- (j) Powernet Telecom plc certifies that, except for authority to provide service between the U.S. and the U.K. as requested herein pursuant to Section 63.18(e)(4), it does not seek to provide international telecommunications services to any destination country for which any of the following are true: (1) Applicant is a foreign carrier in that country; or (2) Applicant controls a foreign carrier in that country; or (3) any entity that owns more than 25 percent of Applicant, or that controls Applicant, controls a foreign carrier in that country; or (4) two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate, more than 25 percent of the applicant and are parties to, or the beneficiaries of, a contractual relation (e.g., a joint venture or market alliance) affecting the provision or marketing of international basic telecommunications services in the United States.

- (k) Pursuant to Section 63.18(k)(1) of the Rules, the Applicant represents that the United Kingdom is a Member of the World Trade Organization.

- (l) Except with respect to service between the U.S. and the U.K., authority for which is separately requested in this application, Applicant does not propose to resell the international switched services of an unaffiliated U.S. carrier for the purpose of providing international telecommunications services to a country where it is a foreign carrier or is affiliated with a foreign carrier. With respect to its telecommunications carrier operations in the U.K., Applicant hereby certifies that it lacks sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market. Powernet Telecom started offering Internet and telecom services in the U.K. in July 1999. As a recent entrant into the highly competitive U.K. telecommunications market, Applicant certifies that it holds far less than a 50 percent market share in the international transport and the local access markets in the U.K. Specifically, Powernet Telecom provides backbone Internet services with dial access through non-geographic numbers, having a market share in this service currently below 10%. Therefore, Applicant should be presumptively classified as non-dominant for service between the U.S. and the U.K. pursuant to Section 63.10(a)(3) of the Rules.

- (m) The Applicant desires to be regulated as non-dominant for the provision of services between the United States and the United Kingdom and qualifies for non-dominant treatment under §63.10(a)(3) because, as shown in response to Section 63.18(l), above, the Applicant is a non-monopoly carrier that lacks market power in the foreign market (the U.K.) sufficient to affect competition adversely in the U.S. market.

- (n) Powernet Telecom plc 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 market power on the foreign end of the route and will not enter into such agreements in the future.

- (o) Powernet Telecom plc certifies pursuant to §§ 1.2001 through 1.2003 of the Commission's Rules that no party to this application is subject to denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998.

- (p) The Applicant qualifies for streamlined processing under §63.12(c)(1)(ii) because, as a non-monopoly foreign carrier in the U.K., it lacks market power and therefore qualifies for a presumption of non-dominance under §63.10(a)(3).

The public interest will be served by grant of this application because it will allow

Powernet Telecom plc to enhance and expand its services through the provision of facilities-based and resale services between the United States and foreign points. Thus, grant of this application will promote competition in the provision of international telecommunications services, with the

attendant benefits to consumers in the form of more choices and lower prices. Further, this application is eligible for streamlined processing procedures because, except for its carrier operations in the U.K., Applicant is not affiliated with any foreign carrier and is filing only for such authority as permitted under the terms and conditions of Sections 63.18(e)(1) and (2) of the Commission's Rules; and, insofar as authority to provide service between the U.S. and the U.K. as requested herein under Section 63.18(e)(4) is concerned, Applicant represents that it is a foreign carrier, or is affiliated with a foreign carrier, only in the U.K., where it lacks market and has less than 50% of the market share in the international transport and local access markets, thereby qualifying Applicant for a presumption of non-dominance under §63.10(a)(3) and for streamlined processing under §63.12(c)(1)(ii) of the Commission's Rules. Accordingly, Powernet Telecom plc requests the Commission to approve this application on a streamlined basis.

Respectfully submitted,

POWERNET TELECOM PLC

By: 

Derek J. Abbass
Head of Global Infrastructure Services.

August 22, 2000

DC01/340652.1

Gardner, Carton & Douglas
QUAKER TOWER
321 NORTH CLARK STREET
CHICAGO, IL 60610-4795

The Northern Trust Company
Chicago, Illinois
2-15
710

Date: August 22, 2000

⑆1⑆0100

Pay: Seven hundred eighty and 00/100***** \$ ***780.00***

Void after 90 days

GARDNER, CARTON & DOUGLAS



TO THE
ORDER
OF: Federal Communications
Commission

⑆273188⑆ ⑆071000152⑆30180594⑆

GARDNER, CARTON & DOUGLAS
Payee: Federal Communications

Check #: 273188
Check Date: Aug 22/00

Inv #	Inv Date	Narrative
FEF8-22-00	8/22/00	Filing fee: Steamlined Section 214 Application
	Jan 01/00	

	Inv Total
Check Amount	\$780.00