

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

FCC/MELLON

SEP 14 2000

In the Matter of
Band-X Inc.

Application for Authority Pursuant to
Section 214 of the Communications Act
of 1934, as amended, for Global Authority
to Operate as an International
Facilities-Based and Resale Carrier
Between the United States and Various
International Points

Streamlined
BAND-X INC.

ITC-214-20000914-00541

File No. ITC - 214 - 2000

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Telecom Division
International Bureau

APPLICATION

Band-X Inc. (“Band-X” or “Applicant”), by its undersigned counsel, hereby requests global facilities-based authority and global resale 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 provide international facilities-based and resale telecommunications services between the United States and international points.

I. The Applicant

Band-X Inc. is a corporation organized under the laws of the State of Delaware. Band-X is not a foreign carrier and is not affiliated, within the meaning of Section 63.09(e) of the Commission’s Rules, 47 C.F.R. § 63.09(e), with any foreign carrier. Accordingly, Band-X qualifies for the presumption of non-dominance under Section 63.10(a)(3) of the Commission’s Rules, 47 C.F.R. § 63.10(a)(3) and Band-X’s application is eligible for streamlined processing.

II. Public Interest Considerations

By granting this application, the Commission will serve the public interest, convenience and necessity by promoting competition in the international services market. Competition will benefit U.S. consumers by increasing service options and lowering prices. Thus, the public interest will be served by the grant of Section 214 authority to Band-X.

III. Information Required by Section 63.18

Band-X 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:
- Band-X Inc.
Liberty Plaza Center
1 Liberty Plaza, 23rd Floor
New York, NY 10006
212-386-6194 (Tel.)
212-386-6599 (Fax)

(b) Applicant is a corporation organized under the laws of the State of Delaware.

(c) Correspondence concerning this application should be sent to:

Douglas D. Orvis II
Michael J. Schunck
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Tel: (202) 295-8349
Fax: (202) 424-7643

with a copy to:

Mark Vessa
Band-X Inc.
Liberty Plaza Center
1 Liberty Plaza, 23rd Floor
New York, NY 10006
212-386-6194 (Tel.)

- (d) Band-X has not previously received authority under Section 214 of the Act. Upon grant of this Application, Band-X 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) Band-X requests Section 214 authority to operate as a facilities-based carrier pursuant to Section 63.18(e)(1) of the Commission's Rules. Band-X requests such authorization for all international routes authorized by the Commission. Band-X certifies that it will comply with the terms and conditions of Sections 63.21 and 63.22 of the Commission's Rules.
(2) Band-X 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. Band-X requests such authorization for all international routes authorized by the Commission. Band-X certifies that it will comply with the terms and conditions contained in Section 63.21 and 63.23 of the Commission's Rules.
- (f) Band-X seeks the authority to provide only the services referenced under paragraph (e) of Section 63.18 of the Commission's Rules.
- (g) Given that Band-X is not seeking facilities-based authority pursuant to Section 63.18(e)(4) of the Commission's Rules, this Section is not applicable.
- (h) In support of this certification, the name, address, citizenship, and principal business of the shareholder that controls 10 percent or more of Band-X Inc. is as follows:
 - Name: Band-X Limited
 - Address: 2 Green Street
Sunbury on Thames
Middlesex TW 16 6RN
 - Percentage Held: 100%
 - Citizenship: UK
 - Principal Business: Internet based trading floor for wholesale telecoms capacityBand-X currently has no interlocking officers or directors with foreign carriers.
- (i) Band-X certifies that it is not a foreign carrier and that it is not currently affiliated with any foreign carriers.
- (j) Band-X seeks to provide international telecommunications services to all global points, except those points on the Commission's Exclusion List. Band-X is not a foreign carrier or affiliated with a foreign carrier.
- (k) Not applicable

(l) Not applicable

(m) As described above, Band-X presumptively qualifies for non-dominant treatment for the provision of all international telecommunications services on all routes pursuant to Section 63.10 of the Commission's Rules.

(n) Band-X certifies that it has not agreed, and will not agree in the future, 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 it will not enter into such agreements in the future.

(o) Band-X 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) Band-X qualifies for streamlined processing pursuant to Section 63.12(a-b) of the Commission's Rules because, as set forth above in Section (1), Band-X qualifies for a presumption of non-dominance under Section 63.10(a)(1) of the Commission's Rules.

IV. Conclusion

For the reasons stated above, Band-X Inc. respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Section 214 Application.

Respectfully submitted,

By:



Douglas D. Orvis II

Michael J. Schunck

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

3000 K Street, N.W., Suite 300

Washington, DC 20007

Tel: (202) 424-7500

Fax: (202) 424-7645

Counsel for Band-X Inc.

Dated: September 14, 2000

CERTIFICATION OF APPLICANT

On behalf of Band-X Inc. I 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.

Band-X Inc.

By:



Name:

James P. Martin

Title:

COO

Date:

9/6/00