

ARTER & HADDEN^{LLP}

ATTORNEYS AT LAW

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COPY

Austin
Cleveland
Columbus
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Irvine
Los Angeles
Sacramento

1801 K Street, N.W., Suite 400K
Washington, D.C. 20006-1301

telephone 202.775.7100

facsimile 202.857.0172

San Antonio
San Diego
San Francisco
Washington, D.C.
Woodland Hills
Affiliated Offices
Brussels, Belgium
Geneva, Switzerland

November 2, 2000

Direct Dial: (202) 775-4498

Internet: rjackso1@arterhadden.com

Via Berry Best Courier

Federal Communications Commission
IB Telecommunications Division
P. O. Box 358115
Pittsburgh, PA 15251-5115

RECEIVED

NOV 08 2000

Telecom Division
International Bureau

Attn: Ms. Fran Eisenstein

Re: Application for Section 214 Authority

Dear Ms. Eisenstein:

Please find the enclosed application for ADIR International Export Ltd., d/b/a La Curacao – Telecom Division, the Applicant, for authority pursuant to 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, for the Applicant to provide global international facilities-based and resale services between the United States and international points. As per the Commission's rules, an original and five copies of the application are being filed herewith.

Attached is the statutory processing fee in form of a check, which is drawn on this law firm's account, payable to the Federal Communications Commission in the amount of \$815.00 and F.C.C. Form 159.

Acknowledgment and date of receipt of this filing are requested. A duplicate copy of this letter is provided for this purpose.

Sincerely,



Robert H. Jackson

Enclosure

283337-1 (63211/02942)

RECEIVED

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

NOV 08 2000
Telecom Division
International Bureau

In the Matter of	)	Streamlined	ITC-214-20001102-00666
ADIR INTERNATIONAL EXPORT LTD d/b/a	)	ADIR INTERNATIONAL EXPORT LTD	
LA CURACAO – TELECOM DIVISION	)	LA CURACAO - TELECOM DIVISION	
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	)		

APPLICATION

ADIR International Export Ltd., a California corporation, d/b/a La Curacao – Telecom Division (“Applicant”), hereby requests authority, pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. §214, and section 63.18 of the rules of Federal Communications Commission (“FCC”), 47 C.F.R. §63.18, to provide global international facilities-based and resale services between the United States and international points.

Applicant is a corporation organized under the laws of the state of California, to engage in any lawful business. Applicant has formed a new division (the “Telecom Division”) to provide, *inter alia*, international telecommunications services. Applicant has a non-equity marketing relationship with Telefonica, S.A. and its subsidiaries (“Telefonica”) that affects the countries of El Salvador and Guatemala, where Telefonica operates as a non-dominant, competitive carrier. Such relationship could possibly constitute an affiliation under Part 63 of the FCC’s rules and is discussed further below. Except as described below, Applicant has no

other foreign affiliations as defined by Part 63 of the FCC's rules. By granting this application, the FCC 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 the Applicant.

Section 63.18 Information

The following information is submitted, as required by Section 63.18 of the FCC's Rules, in support of the Applicant's request for information.

- (a) La Curacao – Telecom Division
1605 West Olympic Blvd., Suite 600
Los Angeles, CA 90015
Phone: 213.386.4412
Fax: 213.386.2601

- (b) ADIR International Export Ltd., d/b/a La Curacao – Telecom Division is a corporation organized under the laws of the state of California.

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

Mr. Mauricio Fux
Director
La Curacao – Telecom Division
1605 West Olympic Blvd., Suite 600
Los Angeles, CA 90015
Phone: 213.386.4412
213.639.2023
Fax: 213.386.2335

With a copy to:

Robert H. Jackson, Esq.
Arter & Hadden LLP
1801 K Street, N.W., Suite 400K
Washington, D.C. 20006
Phone: 202.775.7100
Fax: 202.857.0172

(d) The Applicant has not received authority previously under Section 214 of the Communications Act.

(e) The Applicant requests global facilities-based and resale Section 214 authority pursuant to the terms and conditions of Section 63.18(e)(1) and (e)(2) of the FCC's rules. The Applicant will comply with all applicable terms and conditions contained in Sections 63.21, 63.22 and 63.23 of the FCC's Rules.

(f) At this time, Applicant seeks no other authorization under Section 63.18(e).

(g) Not applicable.

(h) The Applicant certifies that it is not affiliated with any foreign or U.S. facilities-based carrier, with the possible exception of Telefonica as described below. . In support of this certification, the names, addresses, citizenship, and principal business of the shareowners that control ten percent or more of ADIR International Exports Ltd., d/b/a La Curacao are as follows:

Yoram Azarkman
Executive Vice President
ADIR International Exports Ltd., d/b/a La Curacao
1605 West Olympic Blvd., Suite 600
Los Angeles, CA 90015
Phone: 213.386.4412
Fax: 213.386.2601

Principal Business: Retail sales of consumer products
Citizenship: United States of America
Percentage of Ownership: 50%

Sahar Azarkman
Chief Executive Officer
ADIR International Exports Ltd., d/b/a La Curacao
1605 West Olympic Blvd., Suite 600
Los Angeles, CA 90015
Phone: 213.386.4412
Fax: 213.386.2601

Principal Business: Retail sales of consumer products
Citizenship: United States of America
Percentage of Ownership: 50%

As noted above, Applicant has a non-equity marketing arrangement with Telefonía that affects the countries of El Salvador and Guatemala, where Telefonía operates as a non-dominant and competitive carrier in competition with the established domestic carriers in those countries.¹ This marketing arrangement also extends to the countries of Honduras, Mexico, and Nicaragua, where Telefonía has no domestic carrier presence. The marketing agreement does not, however, extend to other foreign countries where Telefonía operates as a domestic carrier, *e.g.*, Spain.² Such marketing arrangement, as it affects El Salvador and Guatemala, could possibly be construed as an affiliation between Applicant and Telefonía for purposes of Part 63 of the FCC's rules. Therefore, in strict interpretation of the Commission's rules, Applicant has elected to make the instant disclosure.

¹ According to the FCC's June 18, 1999 Public Notice (DA 99-809), the dominant carriers for the countries of El Salvador and Guatemala are Compañía de Telecomunicaciones de El Salvador ("CTES") and Telecomunicaciones de Guatemala ("Telgua"), respectively. Neither Applicant nor Telefonía has any ownership interest in or business affiliation with either CTSE or Telgua.

² Should this situation change, such that the marketing arrangement were to be extended to other countries where Telefonía operates as a domestic carrier, Applicant would make appropriate notification to the FCC as required by section 63.21(a) of the Commission's rules.

As a new entrant in the domestic telecommunications service markets in El Salvador and Guatemala, Telefonía's market share and revenues are small relative to the established carriers. This is especially true since most of Telefonía's operations in those two countries are as a wireless, cellular-type carrier. Under these facts, Telefonía does not have market power for the termination of international traffic from the United States to either the countries of El Salvador or Guatemala.

(i) The Applicant certifies that it has not agreed and will not agree in the future to accept any direct or indirect special concessions from a foreign carrier or administration on any U.S. international route where such foreign carrier or administration has market power on the foreign end of such route, with regards to traffic or revenue flows between the United States and any foreign countries the Applicant is authorized to serve.

(j) The Applicant certifies that no party to this application has been denied federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

Conclusion

In conclusion, the Applicant certifies that all of the information in this application is accurate and correct. For these reasons, Applicant respectfully requests that the FCC grant this application.

Respectfully submitted,

ADIR INTERNATIONAL EXPORT LTD, d/b/a
LA CURACAO - TELECOM DIVISION

By: 

Mauricio Fux, Director
La Curacao - Telecom Division
1605 West Olympic Blvd., Suite 600
Los Angeles, CA 90015
Phone: 213.386.4412
213.639.2024
Fax: 213.386.2601

Dated: October 31, 2000

Counsel:

Robert H. Jackson, Esq.
Arter & Hadden LLP
1801 K Street, N.W., Suite 400K
Washington, D.C. 20006
Phone: 202.775.7100
Fax: 202.857.0172

269342-3 (63211-02942)

CERTIFICATE OF SERVICE

I, *Monica Gibson-Moore*, a secretary with Arter & Hadden LLP, hereby certify that a copy of the foregoing *ADIR International Export Ltd., d/b/a La Curacao – Telecom Division*

Application has been sent via first-class mail, postage pre-paid this 2nd day of November, 2000, to the following:

Magalie Roman Salas Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, SW
Washington, DC 20554

William S. Cohen
Secretary of Defense
1155 Pentagon
Washington, D.C. 20301-1155

Governor Gray Davis
State Capitol Building
Sacramento, CA 95814



Monica Gibson-Moore

**denotes delivery via first-class mail.*

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

APPROVED BY OMB 3060-0589

SPECIAL USE

FCC USE ONLY

(1) LOCKBOX # 358115

PAGE NO. 1 OF 1

SECTION A - PAYER INFORMATION

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

(3) TOTAL AMOUNT PAID (dollars and cents)
\$ 655.00

(4) STREET ADDRESS LINE NO. 1

1801 K Street, N.W., Suite 400K

(5) STREET ADDRESS LINE NO. 2

(6) CITY

Washington

(7) STATE

D.C.

(8) ZIP CODE

20006-1301

(9) DAYTIME TELEPHONE NUMBER (include area code)

(202) 775-7126

(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)

ADIR International Export Ltd., d/b/a LaCuracao - Telecom Division

(12) STREET ADDRESS LINE NO. 1

1605 West Olympic Blvd., Suite 600

(13) STREET ADDRESS LINE NO. 2

(14) CITY

Los Angeles

(15) STATE

CA

(16) ZIP CODE

90015

(17) DAYTIME TELEPHONE NUMBER (include area code)

(213) 639-2023

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

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)

C U T

(21A) QUANTITY

\$ 815.00

FCC USE ONLY

(23A) FCC CODE 1

(24A) FCC CODE 2

(19B) FCC CALL SIGN/OTHER ID

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

\$

FCC USE ONLY

(23B) FCC CODE 1

(24B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

\$

FCC USE ONLY

(23C) FCC CODE 1

(24C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

\$

FCC USE ONLY

(23D) FCC CODE 1

(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25)

PAYER TIN

0 3 4 0 7 3 2 8 8 8

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

APPLICANT TIN 0 9 5 3 5 4 9 2 1 2

(27) CERTIFICATION STATEMENT

I, Robert H. Jackson

(PRINT NAME)

, 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 _____

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28)

MASTERCARD

MASTERCARD/VISA ACCOUNT NUMBER:

EXPIRATION DATE:

MONTH YEAR

VISA

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

AUTHORIZED SIGNATURE

DATE

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)

ARTER & HADDEN, LLP
1801 K ST. N.W., STE 400K
WASHINGTON, DC 20006-1301

1033

DATE 11/2/00

15-120/540 D
071

PAY TO THE
ORDER OF Federal Communications Commission

\$ 815.00

Eight Hundred Fifteen and no/100 DOLLARS

Bank of America

ACH R/T 054001204

Richard A. Dean

⑈001033⑈ ⑆054001204⑆ 001920217370⑈

ARTER & HADDEN, LLP
WASHINGTON, DC 20006-1301

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW
IF NOT CORRECT, PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED

DATE	DESCRIPTION	AMOUNT
11-2-00	Section 214 Application Filing Fee-RH Jackson	\$815.00