

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

APPROVED BY OMB 3060-0589

(1) LOCKBOX # 358115

PAGE NO. 1 OF 1

DEC 04

SPECIAL USE
FCC USE ONLY

SECTION A - PAYER INFORMATION

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

Diamond Link, Inc.

Streamlined
DIAMOND LINK, INC.

ITC-214-20001204-00721

(4) STREET ADDRESS LINE NO. 1

100 Innovation

(5) STREET ADDRESS LINE NO. 2

Suite 200

(6) CITY

Irvine

(7) STATE

California

92612

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

Telecom Division
International Bureau

(9) DAYTIME TELEPHONE NUMBER (include area code)
949-737-6500

**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)

(12) STREET ADDRESS LINE NO. 1

(13) STREET ADDRESS LINE NO. 2

(14) CITY

(15) STATE

(16) ZIP CODE

(17) DAYTIME TELEPHONE NUMBER (include area code)

(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
1

(23A) FCC CODE 1

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22A) FEE DUE FOR (PTC) IN BLOCK 20A
\$ 815.00

FCC USE ONLY

(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

APPLICANT TIN

0 3 3 0 7 2 5 7 3 1

(27) CERTIFICATION STATEMENT

I, Phil Marchestello

(PRINT NAME)

are true and correct to the best of my knowledge, information and belief. SIGNATURE _____

(28) SECTION F - CREDIT CARD PAYMENT INFORMATION

MASTERCARD/VISA ACCOUNT NUMBER:

MASTER CARD

EXPIRATION DATE:

MONTH YEAR

DATE

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)

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

CHECK NO. 224835

YOUR INVOICE NO.	INVOICE DATE	CLIENT NO.	MTR NO.	AMOUNT	DESCRIPTION	REQUESTOR
FCC-1100	11/29/00	074433	0004	\$ 815.00	FILING FEE	P. MARCH

DETACH STATEMENT BEFORE DEPOSITING CHECK

THIS DOCUMENT CONTAINS SECURITY FEATURES - SEE BACK FOR DETAILS

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
 A REGISTERED LIMITED LIABILITY PARTNERSHIP
 INCLUDING PROFESSIONAL CORPORATIONS
 1333 NEW HAMPSHIRE AVENUE, N.W.
 WASHINGTON, DC 20036
 (202) 887-4013

FIRST UNION NATIONAL BANK OF WASHINGTON, DC CHECK NO. 224835
 Washington, DC 20005
 15-122/540

DATE 11/29/2000
 AMOUNT OF CHECK
 \$*****815.00

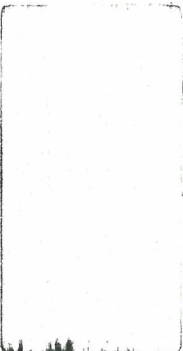
PAY *Eight Hundred Twenty & no/100 Dollars*

VOID AFTER 6 MONTHS

TO THE ORDER OF
 FEDERAL COMMUNICATIONS COMMISSION

James T. Flannery
 AUTHORIZED SIGNATURE

⑈ 224835 ⑈ ⑆ 054001220 ⑆ 2000037752400 ⑈



Ownership

DLI is a Delaware corporation and a wholly-owned subsidiary of Mitsubishi Electric Information Network Corporation ("MIND"), a Japanese corporation. MIND is authorized to provide telecommunications services in Japan, a WTO member country, as a Type 2 carrier.

Reason for Application

This application requests authority under Section 214 of the Communications Act to become a facilities-based international carrier and is eligible for the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. Specifically, the application requests authority to serve an affiliated route using facilities owned by DLI where the affiliated foreign carrier has less than a 50 percent market share in the international transport and local access markets in the destination country. Relevant data demonstrating the non-dominance of the affiliated carrier is provided in Part II, Sections (m) and (p), below.

MIND, DLI's parent company, intends to assign an Indefeasible-Right-of-Use ("IRU") in its half-circuit U.S.-Japan submarine cable to DLI. DLI therefore is requesting global facilities-based Section 214 authorization to enable DLI to provide international switched services and international private line services between the U.S. and the international points, including Japan, over this submarine cable. Because MIND is a non-dominant telecommunications provider in its home market of Japan, DLI is permitted under the Commission's rules to provide telecommunications services to or from Japan. Thus, DLI requests Section 214 authorization to provide global facilities-based services to all foreign destinations, including Japan.

DLI is requesting authority to acquire and operate international private line facilities and to use such private lines to provide basic switched services to and from Japan. The provision of such services via private line is permissible under the Commission's rules, provided that the country at the foreign end of the private line appears on a Commission list of destinations to which the Commission has authorized the provision of switched services over private lines. See 47 C.F.R. § 63.16. The Commission previously has authorized the provision of switched services over private lines to Japan. See Pacific Gateway Exchange, Inc., Order and Authorization, ITC-98-308 (rel. June 30, 1998). Thus, provided the Commission grants DLI the Section 214 authority requested herein, DLI may provide international basic switched services over private lines to and from Japan.

Public Interest

The Commission has long recognized the benefits of increased competition in the international telecommunications services market. By granting this application, the Commission will serve the public interest, convenience, and necessity by allowing increased competition in the provision of telecommunications services in the U.S.-Japan market. Specifically, grant of the

authority requested herein will open the U.S.-Japan market to a new entrant that will provide selected U.S. subsidiaries of Japanese corporations with innovative and tailored services.

II. SECTION 63.18 INFORMATION

The following information is submitted in support of DLI's request for authorization and pursuant to Section 63.18 of the rules of the Commission, 47 C.F.R. § 63.18.

- (a) The name, mailing address, and telephone number of the applicant is as follows:

Diamond Link, Inc.
100 Innovation
Suite 200
Irvine, California 92612
(949) 737-6500
- (b) DLI is a U.S. corporation organized under the laws of the state of Delaware.
- (c) The name, title, mailing address, and telephone number of the person designated to receive correspondence for the applicant is as follows:

Tom W. Davidson, Esq.
Akin, Gump, Strauss, Hauer & Feld, L.L.P.
1333 New Hampshire Avenue, NW
Suite 400
Washington, D.C. 20036
(202) 887-4011
- (d) On January 9, 1998, the Commission granted DLI Section 214 authorization to operate as an International Global Resale Carrier (See FCC File No. ITC-97-715). Pursuant to this authorization, DLI will resell the international switched services, as well as international private line services, of all U.S. common carriers between the U.S. and the international points served by those carriers, including Japan, to selected U.S. subsidiaries of Japanese corporations.
- (e) DLI requests Section 214 authority to operate as a facilities-based international common carrier pursuant to the terms and conditions of Section 63.18(e)(1) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), to all foreign destinations, including Japan. DLI certifies that it will comply with the terms and conditions contained in Sections 63.21 and 63.22 of the Commission's rules, 47 C.F.R. §§ 63.21-22.
- (f) At this time, DLI seeks no other authorization available under Section 63.18(e).

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- (g) Not applicable.
- (h) The name, address, citizenship, and principal business of the sole shareholder that controls ten percent or more of DLI is as follows:

Mitsubishi Electric Information Network Corporation
1-6-2 Koji-machi, Chiyoda-Ku
Tokyo 102 Japan
Citizenship: Japanese corporation
Principal business: Information technology
Ownership share of DLI: 100%

Masanori Ohashi serves as a director of both DLI and MIND. No other individuals serve as officers or directors of both DLI and MIND.
- (i) DLI certifies that it is affiliated with a non-dominant foreign carrier in Japan.
- (j) DLI certifies that it seeks to provide international telecommunications services to Japan.
- (k) Japan is a Member of the World Trade Organization.
- (l) Not applicable.
- (m) With respect to regulatory classification under Section 63.10 of the Commission's rules, 47 C.F.R. § 63.10, DLI is affiliated with a foreign carrier in a country to which DLI seeks to provide telecommunications services, and DLI desires to be regulated as non-dominant for the provision of particular international telecommunications services to that country. Section 63.10(a)(3) provides that a U.S. carrier that is affiliated with a foreign carrier that is not a monopoly provider of telecommunications services in a destination country and that seeks to be regulated as non-dominant on that route bears the burden of submitting information to the Commission sufficient to demonstrate that its foreign affiliate lacks sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market. Section 63.10 further provides that if the U.S. carrier demonstrates that the foreign affiliate lacks 50 percent market share in the international transport and the local access markets on the foreign end of the route, the U.S. carrier shall be presumptively classified as non-dominant.

DLI therefore provides the following information to demonstrate that it qualifies for non-dominant classification pursuant to Section 63.10 of the Commission's rules:

In 1999, MIND originated approximately 11.6 million minutes of Japanese-originated, foreign-billed international calls destined for the United States. This represents significantly less than 5% of the Japanese-originated, foreign-billed international transport market between Japan and the U.S. See TeleGeography, Inc., TeleGeography 2000 207

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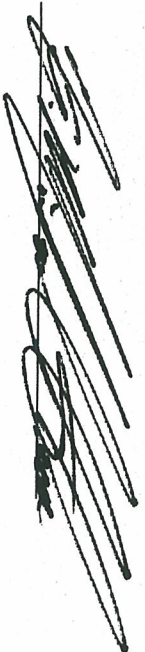
- (2000) (stating that 395 million minutes of international calls were placed from Japan to the U.S. during fiscal year 1998/1999). In addition, MINND controls an insignificant percentage of the local access market in Japan. See Ministry of Posts and Telecommunications of Japan, White Paper: 2000 Communications in Japan 41, 45-46 (2000) (stating that NTT virtually has a “monopoly position in the [local] telecommunications market” and noting that of 57.2 million fixed-line telephone subscribers in Japan, all new common carriers (i.e., carriers other than NTT affiliates) combined only served 52,000 subscribers).
- (n) DLI certifies that it has not agreed and will not agree in the future 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.
- (o) Pursuant to Sections 1.2001 through 1.2003 of the Commission’s rules, DLI certifies that no party to this application has been denied federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) The instant application qualifies for streamlined processing pursuant to Section 63.12 of the Commission’s rules, 47 C.F.R. § 63.12. The streamlined processing procedure applies to an applicant affiliated with a foreign carrier in a destination market, provided that the applicant demonstrates that it qualifies for a presumption of non-dominance under Section 63.10(a)(3) of the Commission’s rules, 47 C.F.R. § 63.10(a)(3). As demonstrated in Section (m), above, and in the attached certification, DLI’s foreign affiliate, MINND, lacks sufficient market power on the foreign end of the U.S.-Japan route to affect competition adversely in the U.S. market. Thus, DLI should be presumptively classified as non-dominant and therefore is eligible for streamlined processing of the instant Section 214 application.

III. CONCLUSION

In conclusion, DLI certifies that all of the information in this application is accurate and correct. For the foregoing reasons, DLI respectfully requests that the Commission grant this application.

Respectfully submitted,

DIAMOND LINK, INC.

By: 

Title: EVLD

Date: 12/4/00

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AFFIDAVIT

I hereby affirm that the information regarding: (i) the number of minutes of Japanese-originated, foreign-billed international calls destined for the United States and carried by MIND; and (ii) the market share of the Japanese local exchange market held by MIND, relied upon in Part II, Sections (m) and (p), of the attached Diamond Link, Inc. ("DLI") Application for Authorization Pursuant to Section 214 of the Communications Act of 1934, as Amended, for Global Authority to Operate as an International Facilities Based Carrier is true and correct to the best of my knowledge and belief.

DIAMOND LINK, INC.

BY: 

Mr. F. Michael Shea
Executive Vice President
Diamond Link, Inc.
100 Innovation
Suite 200
Irvine, California 92612
(949) 737-6500

DATED: _____

12/4/00