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Telecom Division
International Bureau

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Streamlined ITC-214-20010404-00235
EASTERN BROADBAND TELECOM (U.S.A.) CO., LTD.

April 4, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
International Bureau - Telecommunications
P.O. Box 358115
Pittsburgh, PA 15251-5115

Re: Application for Section 214 Authority
Streamlined Processing Requested

Dear Ms. Salas:

Transmitted herewith on behalf of Eastern Broadband Telecom (U.S.A.) Co., Ltd. ("Eastern Broadband USA"), please find an original and four copies of an application seeking authority under Section 214 of the Communications Act of 1934, as amended, to provide global facilities based and resale services. Enclosed please find an Application for Authority, FCC Form 159 and a check in the amount of \$815.00 made payable to the Commission for the appropriate filing fee.

Please date stamp and return the extra copy of this filing in the enclosed envelope. Should you have any questions regarding this application, please contact the undersigned at (202) 626-6717.

Respectfully submitted,



Stephen J. Duall
Counsel to Eastern Broadband USA

Henry A. Starnes

Federal Communications Commission

TO THE
COMMISSION

Eight Hundred Fifteen Dollars and 00/100

815.00

016420

4/4/01

CONTROL NO. 016420

016420

COOPER, SANITIS & DEWEY LLP

WASHINGTON, DC 20004
SPECIAL AGENT

4/4/01
CBT/PCC Section 214 Fee
815.00

016420

COOPER, SANITIS & DEWEY LLP

WASHINGTON, DC

CONTROL NO. 016420

DATE

YOUR NUMBER

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20534

In the Matter of

EASTERN BROADBAND TELECOM
(U.S.A.) CO., LTD.

Application for Global Facilities-Based and
Resale Section 214 Authority Pursuant to the
Terms and Conditions of Sections 63.18(e)(1)
and (e)(2) of the Commission's Rules, and to
Provide International Basic Switched Services
Over Private Lines to ISR-approved Countries
Consistent with Section 63.16 of the
Commission's Rules

File No. _____

Application for Authority
Streamlined Processing Requested

Eastern Broadband Telecom (U.S.A.) Co., Ltd. ("Eastern Broadband USA"), hereby requests authority pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.18(e)(1) and (e)(2) of the Commission's rules, 47 C.F.R. §§ 63.18(e)(1) and (e)(2), to provide global facilities-based and resale services between the United States and international points, including the provision of international basic switched services over private lines to ISR-approved countries consistent with section 63.16 of the Commission's rules, 47 C.F.R. § 63.16. Because Eastern Broadband USA and its parent company, Eastern Broadband Telecom Co., Ltd. ("EBT"), lack market power in all destination markets, streamlined processing of this Application is appropriate.

Eastern Broadband USA is a Delaware company organized to provide international telecommunications services between the United States and international points. It is 100% owned by EBT, a Taiwanese company. EBT is a new market entrant approved by Taiwan's

Ministry of Transportation and Communication in March 2000 to operate a fixed network in Taiwan in competition with the incumbent telephone operator. In addition to local, long-distance, and international telephone services, EBT will provide broadband multi-media and data services by means of an integrated CATV and fiber-optic high-speed network.

Eastern Broadband USA requests global facilities-based and international resale section 214 authority pursuant to the terms and conditions of sections 63.18(e)(1) and (e)(2) of the Commission's rules. In addition, Eastern Broadband USA seeks authority to provide switched services over private lines, consistent with section 63.16 of the Commission's rules, to destination countries appearing on the Commission's list of approved ISR-countries.¹ Although Eastern Broadband USA is affiliated with a foreign carrier, streamlined processing of this Application is appropriate because it qualifies for a presumption of non-dominance under section 63.10(a)(3) of the Commission's rules. See 47 C.F.R. § 63.12(c)(1)(ii).

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 Eastern Broadband USA.

Section 63.18 Information

The following information is submitted, as required by section 63.18 of the Commission's rules, in support of Eastern Broadband USA's Application for section 214 authority.

¹ Eastern Broadband USA recognizes that Taiwan is not currently on the Commission's list of approved ISR-countries, and that a separate application will be necessary before switched services over private lines can be provided between the U.S. and Taiwan.

- (a) The name, address, and telephone number of the Applicant is:

Eastern Broadband Telecom (U.S.A.) Co., Ltd.
277 Sun-Jen Road
110 Taipei, Taiwan
+886-2-87808777 – Telephone

- (b) Eastern Broadband USA is a corporation organized under the laws of the state of Delaware.

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

Mr. Eric Yih
Director of International Business
Eastern Broadband Telecom Co., Ltd.
277 Sung-Jen Road
110 Taipei, Taiwan
+886-2-87808777 – Telephone

Copies of correspondence should be sent to:

Jonathan Jacob Nadler
Stephen J. Duall
Squire, Sanders & Dempsey L.L.P.
1201 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, D.C. 20004-0407
(202) 626-6600 – Telephone
(202) 626-6780 – Facsimile

- (d) Neither Eastern Broadband USA, nor its parent, EBT, have previously received authority under section 214 of the Communications Act.

- (e) Eastern Broadband USA requests global facilities-based and resale section 214 authority pursuant to the terms and conditions of sections 63.18(e)(1) and (e)(2) of the Commission's rules. In addition, Eastern Broadband USA seeks authority to provide switched services over private lines, consistent with section 63.16 of the Commission's rules, to destination countries appearing on the Commission's list of approved ISR-countries.

(f) Not applicable.

(g) Not applicable.

(h) Eastern Broadband USA is 100% owned by Eastern Broadband Telecom Co., Ltd. ("EBT"), a Taiwanese company. EBT is a new market entrant approved by Taiwan's Ministry of Transportation and Communication in March 2000 to operate a fixed network in Taiwan in competition with the incumbent telephone operator. The only entity directly holding at least ten percent of the shares of EBT is the Taiwan Railroad Administration ("TRA"), which controls approximately twelve percent of the equity of EBT. In addition, the China Rebar Co., Ltd. ("China Rebar") indirectly controls approximately thirty percent of the equity of EBT through its collective holdings in several affiliated companies, none of which individually controls ten percent or greater of the shares of EBT. The relevant information for EBT, TRA, and China Rebar is as follows:

<u>Name</u>	<u>Percent Ownership</u>
Eastern Broadband Telecom Co., Ltd.	100%
277 Sung-Jen Road 110 Taipei, Taiwan	
Citizenship: Taiwan	
Principal Business: Telecommunications	
Taiwan Railroad Administration.....	12% (of EBT)
Citizenship: Taiwan	
Principal Business: Railway Transportation	
China Rebar Group Co., Ltd.	30% (of EBT)
8F, 219 Chung-Hsiao E. Road Sec. 4 106 Taipei, Taiwan	
Citizenship: Taiwan	
Principal Business: Holding Company	

Two of the directors of Eastern Broadband USA – Messrs. L.T. Wang and Mark Chen – are also directors of EBT.

- (i) Eastern Broadband USA certifies that it is 100% owned by EBT, which is a carrier in Taiwan.
- (j) Eastern Broadband USA certifies that it seeks to provide global international telecommunications services to international points, including Taiwan – a destination market in which its parent company, EBT, is a carrier.
- (k) Eastern Broadband USA certifies that EBT lacks market power in Taiwan because EBT lacks 50 percent market share in the international transport and the local access markets in Taiwan. *See* 47 C.F.R. § 63.10(a)(3).
- (l) To the extent that Eastern Broadband USA proposes 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, Eastern Broadband USA certifies that it either lacks 50 percent market share in the international transport and local access markets pursuant to section 63.10(a)(3) of the Commission's rules, or that it will file the quarterly traffic reports required by section 43.61 of the Commission's rules.
- (m) Eastern Broadband USA desires to be classified as non-dominant for the provision of international communications services between the United States and all international points. Eastern Broadband USA certifies that its foreign affiliate, EBT, is not a monopoly provider of communications services in a relevant market in any destination country. Eastern Broadband USA further certifies, pursuant to section 63.10(a)(3) of the Commission's rules, that EBT – as a new entrant in the Taiwanese market – lacks 50

percent market share in the international transport and the local access markets in any destination country.

- (n) Eastern Broadband USA 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) Eastern Broadband USA 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) Eastern Broadband USA requests streamlined processing of this Application pursuant to section 63.12(c)(1)(ii) of the Commission's rules. Although Eastern Broadband USA is affiliated with a foreign carrier in a destination market, it qualifies for a presumption of non-dominance under section 63.10(a)(3) because it lacks market power on the foreign end of all routes for which Eastern Broadband USA seeks section 214 authorization.

Conclusion

For these reasons, Eastern Broadband USA respectfully requests that the Commission grant this Application and process this request under its streamlined processing rules.

Respectfully submitted,

EASTERN BROADBAND
TELECOM (U.S.A) CO., LTD.

By: _____

A handwritten signature in black ink, appearing to read 'M Chen', is written over a horizontal line.

Mark Chen
Director

April 4, 2001

Date: ~~February 23, 2001~~

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April 25, 2001

PLEASE DELIVER THESE PAGES IMMEDIATELY**No. of Pages (including cover): 1****To:** Fran Eissenstein**Facsimile No:** (202) 418-2824**Company:** Federal Communications Commission
International Bureau**Confirmation No:** (202) 418-1460**From:** Stephen J. Duall**Direct Dial No:** (202) 626-6717**E-mail:** sdual@ssd.com**Re:** Application of Eastern Broadband Telecom (U.S.A.) Co., Ltd.**Message:****Dear Ms. Eissenstein:**

Per your request, Eastern Broadband Telecom (U.S.A.) Co., Ltd. confirms that the Taiwan Railroad Administration is 100% owned/controlled by the Taiwanese government, but that the China Rebar Group is 100% privately owned and controlled.

If you have any further questions or need additional clarification, please do not hesitate to contact me.

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