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International Bureau Telecom Division

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

April 4, 2001

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

Re: Streamlined Processing Requested Application for Section 214 Authority

Dear Ms. Salas:

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 amount of \$815.00 made payable to the Commission for the appropriate filing fee. resale services. Enclosed please find an Application for Authority, FCC Form 159 and a check in the Transmitted herewith on behalf of Eastern Broadband Telecom (U.S.A.) Co., Ltd. ("Eastern

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

Respectfully submitted

Stephen r. Duall

Counsel to Eastern Broadband USA

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(18) COUNTRY CODE (d not in U.S.A.)	17) DAYTIME TELEPHONE NUMBER (Include area code)  886-2-87808777
(18) ZIP CODE 110	
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(19) COUNTRY CODE (if not in U.S.A.)	(202) 626-6600
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	1201 Pennsylvania Ave., NW
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Federal Communications Commission

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

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	In the Matter of )	
al Facilities-Based and  uthority Pursuant to the  s of Sections 63.18(e)(1)  mission's Rules, and to  Basic Switched Services  ISR-approved Countries  on 63.16 of the	EASTERN BROADBAND TELECOM (U.S.A.) CO., LTD.	
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	Application for Global Facilities-Based and Resale Section 214 Authority Pursuant to the	File No.
	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	

#### Application for Authority Streamlined Processing Requested

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

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

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

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

interest will be served by the grant of section 214 authority to Eastern Broadband USA benefit U.S. consumers by increasing service options and lowering prices. and necessity by promoting competition in the international services market. Competition will By granting this Application, the Commission will serve the public interest, convenience Thus, the public

## Section 63.18 Information

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

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

- 9 Delaware. Eastern Broadband USA is a corporation organized under the laws of the state of
- 0 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) under section 214 of the Communications Act. Neither Eastern Broadband USA, nor its parent, EBT, have previously received authority
- (e) countries rules, to destination countries appearing on the Commission's list of approved ISRswitched services over private lines, consistent with section 63.16 of the Commission's Commission's rules. pursuant to the terms and conditions of sections 63.18(e)(1) and (e)(2) of the Eastern Broadband USA requests global facilities-based and resale section 214 authority In addition, Eastern Broadband USA seeks authority to provide

- $\bigcirc$ Not applicable
- 9 Not applicable.
- (H) ("EBT"), a Taiwanese company. Eastern Broadband USA is 100% owned by Eastern Broadband Telecom Co., Ltd EBT is a new market entrant approved by Taiwan's

("TRA"), which controls approximately twelve percent of the equity of EBT. holding at least ten percent of the shares of EBT is the Taiwan Railroad Administration in Taiwan in competition with the incumbent telephone operator. The only entity directly Ministry of Transportation and Communication in March 2000 to operate a fixed network In addition

percent of the equity of EBT through its collective holdings in several affiliated the China Rebar Co., Ltd. ("China Rebar") indirectly controls approximately thirty

EBT. The relevant information for EBT, TRA, and China Rebar is as follows:

companies, none of which individually controls ten percent or greater of the shares of

277 Sung-Jen Road Name Eastern Broadband Telecom Co., Ltd 100% Percent Ownership

Principal Business: Telecommunications Citizenship: Taiwan 110 Taipei, Taiwan

Taiwan Railroad Administration... 12% (of EBT)

Citizenship: Taiwan Principal Business: Railway Transportation

China Rebar Group Co., Ltd. ......... 8F, 219 Chung-Hsiao E. Road Sec. 4 106 Taipei, Taiwan 30% (of EBT)

Principal Business: Holding Company Citizenship: Taiwan

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

- $\Xi$ Eastern Broadband USA certifies that it is 100% owned by EBT, which is a carrier in
- $\subseteq$ telecommunications services to international points, including Taiwan - a destination market in which its parent company, EBT, is a carrier Eastern Broadband USA certifies that it seeks to provide global internationa
- 云 Ħ. Eastern Broadband USA certifies that EBT lacks market power in Taiwan because lacks 50 percent market share in the international transport and the local access markets Taiwan. See 47 C.F.R. § 63.10(a)(3). EBT
- 0 required by section 43.61 of the Commission's rules 63.10(a)(3) of the Commission's rules, or that it will file the quarterly traffic reports share in the international transport and local access markets pursuant to section telecommunications services to a country where it is a foreign carrier, or is affiliated with services of an unaffiliated U.S. carrier for the purpose of providing international To the extent that Eastern Broadband USA proposes to resell the international switched foreign carrier, Eastern Broadband USA certifies that it either lacks 50 percent market
- $(\mathbf{B})$ points. Commission's rules, that EBT - as a new entrant in the Taiwanese market - lacks 50 monopoly provider of communications services in a relevant market in any destination international communications services between the United States and all international Eastern Broadband USA desires to be classified as non-dominant for the provision of Eastern Broadband USA certifies that its foreign affiliate, EBT, is not a Eastern Broadband USA further certifies, pursuant to section 63.10(a)(3) of the

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

- $(\underline{n})$ not enter into such agreements in the future where the foreign carrier possesses market power on the foreign end of the route and will directly or indirectly from any foreign carrier with respect to any U.S. international route Eastern Broadband USA certifies that it has not agreed to accept special concessions
- 0 benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988 Eastern Broadband USA certifies that no party to this application has been denied federal
- 9 end of all routes for which Eastern Broadband USA seeks section 214 authorization non-dominance under section 63.10(a)(3) because it lacks market power on the foreign affiliated with a foreign carrier in a destination market, it qualifies for a presumption of section 63.12(c)(1)(ii) of the Commission's rules. Although Eastern Broadband USA is Eastern Broadband USA requests streamlined processing of this Application pursuant to

#### Conclusion

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

Respectfully submitted,

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

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By:

Mark Chen Director

Date: February 23, 2001

April 4,2001

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WORLDWIDE LEGAL COUNSEL

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SQUIRE, SANDERS & DEMPSEY L.L.P.

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April 25, 2001

# PLEASE DELIVER THESE PAGES IMMEDIATELY

No. of Pages (including cover): 1

To: Fran Eisenstein

Facsimile No: (202) 418-2824

Company: International Bureau Federal Communications Commission

Confirmation No: (202) 418-1460

From: Stephen J. Duall

Direct Dial No:

(202) 626-6717

E-mail: sduall@ssd.com

Application of Eastern Broadband Telecom (U.S.A.) Co., 1.td.

Rc:

Mcssage:

Dear Ms. Eisenstein:

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

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

## CONFIDENTIALITY NOTICE:

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