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Telecom Division
International Bureau

Streamlined ITC-214-20010508-00303
YAK COMMUNICATIONS (AMERICA) INC.

KELLEY DRYE & WARREN LLP
A LIMITED LIABILITY PARTNERSHIP

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May 8, 2001

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

Re: Yak Communications (America) Inc.;;
Application for Section 214 Authority

Dear Madam Secretary:

Transmitted herewith, on behalf of Yak Communications (America) Inc., is an original plus five copies of an application for authority to operate as a facilities-based carrier and to operate as a resale carrier for the provision of international switched and private line services to various points under Section 214 of the Communications Act of 1934, as amended. Also enclosed is FCC Form 159 and a check in the amount of \$815.00 to cover the processing fee. The application is entitled to streamlined processing under Section 63.12 of the Commission's Rules.

An extra copy of the application is enclosed for return to me in the self-addressed stamped envelope. Please contact me with any questions.

Sincerely,

Randall W. Sifers

Randall W. Sifers
Counsel for
Yak Communications (America) Inc.

Enclosures

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

Approved by OMB
3060-0589
Page No. 1 of 1

(1) LOCKBOX #

358115

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)	(3) TOTAL AMOUNT PAID (U.S. Dollars and cents)
MARK IDIOMINI CHAITIOMSI (AMER) (14) IWC.	181151.100
(4) STREET ADDRESS LINE NO. 1 20 KEELEBY DRIVE # WARRREN LILIP	
(5) STREET ADDRESS LINE NO. 2 1000 19th STREET NW, SUITE 1500	
(6) CITY WASHINGTON	(7) STATE DC
(9) DAYTIME TELEPHONE NUMBER (include area code) 202-955-9606	(8) ZIP CODE 20036-2423
(10) COUNTRY CODE (if not in U.S.A.)	

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN) 0104-37117-04	(12) PAYER (TIN) 980203422
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IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME	(22) APPLICANT (TIN)
(14) STREET ADDRESS LINE NO. 1	
(15) STREET ADDRESS LINE NO. 2	
(16) CITY	(17) STATE
(19) DAYTIME TELEPHONE NUMBER (include area code)	(18) ZIP CODE
(20) COUNTRY CODE (if not in U.S.A.)	

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID	(24A) PAYMENT TYPE CODE	(25A) QUANTITY
(26A) FEE DUE FOR (PTC)	(27A) TOTAL FEE	FCC USE ONLY
(28A) FCC CODE 1	(29A) FCC CODE 2	
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY
(28B) FCC CODE 1	(29B) FCC CODE 2	

SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT
I, RAUDAL W. SIFERS, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.
SIGNATURE Randall W. Sifers DATE 05/08/01

SECTION E - CREDIT CARD PAYMENT INFORMATION

(31) <input type="checkbox"/> MASTERCARD	MASTER CARD/VISA ACCOUNT NUMBER: 	EXPIRATION
<input type="checkbox"/> VISA	I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described. SIGNATURE _____ DATE _____	

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

In the Matter of)
)
YAK COMMUNICATIONS)
(AMERICA) INC.)

File No. ITC-214-_____

Application for Authority Under)
Section 214 of the Communications)
Act of 1934, as amended, to Operate)
as a Facilities-Based Carrier and as a)
Resale Carrier for the Provision of)
International Switched and Private)
Line Services to Various Points)

APPLICATION

Yak Communications (America) Inc. (“YAK”), by its attorneys and pursuant to Section 214 of the Communications Act of 1934, as amended (“the Act”), 47 U.S.C. § 214, hereby requests authority to (1) operate as a facilities-based 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), and (2) operate as a resale carrier pursuant to the terms and conditions of Section 63.18(e)(2) of the Commission’s Rules, 47 C.F.R. § 63.18(e)(2).¹

YAK is affiliated with Yak Communications (Canada) Inc., a facilities-based carrier and reseller of international telecommunications services in Canada that lacks sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market. YAK is not affiliated with any dominant U.S. carrier whose services YAK may resell. Pursuant to Section 63.10(a)(3) of the Commission’s Rules, YAK should be classified as a non-dominant

¹ With respect to the provision of switched services over private lines, YAK seeks authority in this Application to provide such services only to those particular locations specifically approved by the Commission for the provision of such services.

carrier in its provision of international services on all routes. Furthermore, this Application is entitled to streamlined processing under Section 63.12 of the Commission's Rules.

Pursuant to Section 63.18 of the Commission's Rules, YAK sets forth the following information in support of this Application:

- (a) The name, address, and telephone number of the Applicant is:
Yak Communications (America) Inc.
55 Town Centre Court
Suite 610
Scarborough, ON M1P 4X4
(416) 296-7111

(b) YAK is a corporation organized under the laws under the State of Florida.

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

Charles Zwebner
President, Secretary and Treasurer
Yak Communications (America) Inc.
55 Town Centre Court
Suite 610
Scarborough, ON M1P 4X4
(416) 296-7111

with copies to:

Aileen A. Pisciotta
Randall W. Sifers
KELLEY DRYE & WARREN LLP
1200 19th Street, N.W.
Suite 500
Washington, D.C. 20036
tel: (202) 955-9600
fax: (202) 955-9792

(d) YAK has not previously received Section 214 authority from the Commission.

(e) YAK is applying for global facilities-based Section 214 authority pursuant to the terms and conditions of Section 63.18(e)(1) of the Commission's Rules, and global international resale Section 214 authority pursuant to the terms and conditions of Section 63.18(e)(2) of the Commission's Rules. YAK seeks authority to provide services to all locations possible under a grant of global authority. As evidenced by the certification provided in Attachment A, YAK

certifies that it will comply with the terms and conditions contained in Sections 63.21, 63.22, and 63.23 of the Commission's Rules

- (f) No response required.
- (g) YAK will use previously authorized facilities to provide its facilities-based services and thus this Application is categorically excluded from environmental assessment pursuant to Section 1.1306 of the Commission's Rules.
- (h) YAK is a wholly owned subsidiary of Yak Communications (USA) Inc. Yak Communications (Canada) Inc. is also a wholly owned subsidiary of Yak Communications (USA) Inc.
Charles Zwebner, a Canadian citizen, holds 16% of the capital stock of Yak Communications (USA) Inc., and is the only shareholder with an interest of 10% of more. Mr. Zwebner serves as YAK's President, Secretary and Treasurer. Mr. Zwebner also serves as President and CEO of Yak Communications (USA) Inc. and Yak Communications (Canada) Inc. Mr. Zwebner may be reached at: 121 Westgate Blvd., Toronto, ON M3K 1P5. Mr. Zwebner's principal business is telecommunications.
- (i) As evidenced by the certification provided in Attachment A, YAK is affiliated with Yak Communications (Canada) Inc., a non-dominant facilities-based carrier and reseller of international telecommunications services in Canada.
- (j) As evidenced by the certification provided in Attachment A, YAK seeks authority to provide international telecommunications service to those countries where the Commission has authorized the provision of such services, including Canada. YAK is a wholly owned subsidiary of Yak Communications (USA) Inc. Yak Communications (Canada) Inc., a non-dominant facilities-based carrier and reseller of international telecommunications services in Canada, is also a wholly owned subsidiary of Yak Communications (USA) Inc. Charles Zwebner who is YAK's President, Secretary and Treasurer, holds 16% of the capital stock of Yak Communications (USA) Inc.
- (k) Canada became a Member of the World Trade Organization on January 1, 1995. See World Trade Organization website at: http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm
- (l) YAK seeks authority to be classified as non-dominant to resell the international switched services of unaffiliated U.S. carriers for the purpose of providing international telecommunications services to Canada where it is affiliated with Yak Communications (Canada) Inc. As evidenced by the certification provided in Attachment A, YAK's affiliate in Canada, Yak Communications (Canada) Inc., has less than 50% market share in the international transport and local access markets in Canada, and therefore, lacks sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market.

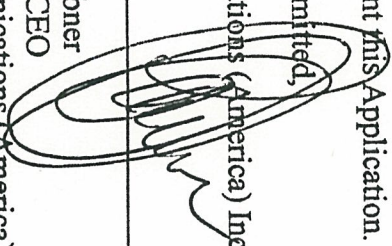
- (m) YAK seeks authority to be classified as non-dominant to for the purpose of providing international telecommunications services to Canada where it is affiliated with Yak Communications (Canada) Inc. As evidenced by the certification provided in Attachment A, YAK's affiliate in Canada, Yak Communications (Canada) Inc., has less than 50% market share in the international transport and local access markets in Canada, and therefore, lacks sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market.
- (n) As evidenced by the certification provided in Attachment A, YAK 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 sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.
- (o) As evidenced by the certification provided in Attachment A, no party to this Application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) YAK requests streamlined processing pursuant to Section 63.12 of the Commission's Rules. This Application is eligible for streamlined processing because YAK qualifies for a presumption of non-dominance under Section 63.10(a)(3) of the Commission's Rules and the affiliated destination market is a WTO Member country.

For these reasons, YAK requests that the Commission grant this Application.

Respectfully submitted,

Yak Communications (America) Inc.

By: _____


Charles Zwebner
President & CEO
Yak Communications (America) Inc.
55 Town Centre Court
Suite 610
Scarborough, ON M1P 4X4
(416) 296-7111

Aileen A. Pisciotta
Randall W. Sifers
KELLEY DRYE & WARREN LLP
1200 19th Street, N.W.
Suite 500
Washington, D.C. 20036
(202) 955-9600
Its Attorneys

Dated: May 08, 2001

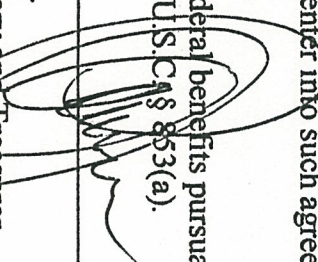
ATTACHMENT A

CERTIFICATE

The undersigned hereby certifies, on behalf of Yak Communications (America) Inc. ("YAK"), with respect to the foregoing application for authority to provide international service, that:

1. YAK is affiliated with Yak Communications (Canada) Inc., a non-dominant facilities-based carrier and reseller of international telecommunications services in Canada.
2. YAK will comply with the terms and conditions contained in Sections 63.21, 63.22, and 63.23 of the Commission's Rules.
3. YAK seeks authority to provide international telecommunications service to those countries where the Commission has authorized the provision of such services, including Canada, where YAK is affiliated with Yak Communications (Canada) Inc. YAK is a wholly owned subsidiary of Yak Communications (USA) Inc. Yak Communications (Canada) Inc., a non-dominant facilities-based carrier and reseller of international telecommunications services in Canada, is also a wholly owned subsidiary of Yak Communications (USA) Inc. Charles Zwebner, a Canadian citizen, holds 16 % of the capital stock of Yak Communications (USA) Inc., and is the only person or entity holding 10% or more of the capital stock. Mr. Zwebner is President, Secretary and Treasurer of YAK. Mr. Zwebner is the President and CEO of Yak Communications (USA) Inc. and Yak Communications (Canada) Inc.
4. YAK's affiliate in Canada, Yak Communications (Canada) Inc. has less than 50 % market share in the international transport and the local access markets in Canada.
5. YAK 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 sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.
6. No party to this application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C.A§ 853(a).

By: _____


Charles Zwebner
President, Secretary and Treasurer
Yak Communications (America) Inc.

Date: _____

May 08, 2001

MP THIS DOCUMENT CONTAINS SECURITY FEATURES. SEE REVERSE

000259

THE BANK OF NOVA SCOTIA
3094 BATHURST STREET AT LAWRENCE,
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CHEQUE NO.

30072
U.S. DOLLAR ACCOUNT

PAY Eight Hundred Fifteen and 00/100*****


US FUNDS
AMOUNT

DATE

4/25/2001

***815.00

TO THE ORDER OF FEDERAL COMMUNICATIONS COMMISSION

PER  _____

⑈000259⑈ ⑆44442⑈002⑆ 03449⑈19⑈

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FC-04-25-01

4/25/2001

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