

COPY

Before the
Federal Communications Commission
Washington, D.C. 20554

FCC/MELTON

AUG 10 2001

In the Matter of)
)
EPIK Communications Incorporated)
)
)
Global Blanket Application Pursuant to)
Section 214 of the Communications)
Act of 1934, as Amended, for Authority to)
Operate as an International Facilities-Based)
and Resale Carrier)

File No. ITC-214-_____

Streamlined ITC-214-20010810-00427
EPIK COMMUNICATIONS INCORPORATED

GLOBAL BLANKET APPLICATION FOR SECTION 214 AUTHORITY

EPIK Communications Incorporated (“EPIK” or “Applicant”) hereby requests authority under 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, to operate as an international facilities-based and resale carrier between the United States and all international points, except those countries listed on the Federal Communications Commission’s (“FCC” or the “Commission”) exclusion list. Specifically, Applicant requests authority to provide facilities-based switched and facilities-based non-interconnected and interconnected private line, resold switched and resold interconnected and non-interconnected private line services¹ on either a

¹ EPIK will restrict its provision of interconnected private line services, on either a facilities or resold basis, to foreign destinations previously or hereafter approved by the Commission for international simple resale (“ISR”) or to foreign carriers that lack market power in the country at the foreign end of the private line. See 47 C.F.R. §§ 63.22(e)(1)-(e)(2), 63.23(d)(1)-(d)(2).

facilities or resold basis between the United States and all international destinations, except those points on the Commission's exclusion list.

EPIK's request for global blanket authority to provide international services as a facilities-based and resale carrier will further the public interest, convenience, and necessity. Applicant's entrance into the U.S. international services market will promote competition, lower prices for international services, and permit more efficient use of existing international telecommunications facilities.

EPIK requests to be classified as non-dominant. Applicant is entitled to a presumption of non-dominance on all routes under Section 63.10(a)(1) of the Commission's Rules, 47 C.F.R. § 63.10(a)(1). It has no affiliation with any foreign carrier, and is not itself a foreign carrier operating in any international market.

In support of its request for global blanket Section 214 authorization to provide facilities-based and resold services, Applicant submits the following information pursuant to Section 63.18 of the Commission's Rules, 47 C.F.R. § 63.18:

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

EPIK Communications Incorporated
3501 Quadrangle Blvd.
Suite 225
Orlando, FL 32817
(407) 482-8400
- (b) Applicant is organized under the laws of the state of Delaware.
- (c) Correspondence concerning this application should be addressed to:

John E. Welch
Executive Vice President & General Counsel
EPIK Communications Incorporated

3501 Quadrangle Blvd.
Suite 225
Orlando, FL 32817

Please send copies of any correspondence to:

Jeffrey S. Linder
John F. Papandrea
Wiley Rein & Fielding LLP
1776 K Street, NW
Washington, D.C. 20006
202-719-7000

- (d) Applicant has not received any prior Section 214 authorizations.
- (e)(1), (2), (f) Pursuant to the terms and conditions of sections 63.18(e)(1) and 63.18(e)(2) of the Commission's Rules, 47 C.F.R. §§ 63.18(e)(1)-(e)(2), Applicant requests Section 214 authority to operate as a facilities-based and resale carrier between the United States and all international destinations, except those countries listed on the FCC's exclusion list. Applicant 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, 47 C.F.R. §§ 63.21, 63.22, 63.23.

(g) Not applicable.

- (h) The name, address, citizenship, and principal business of the Applicant's ten percent or greater shareholders are:

Florida East Coast Industries, Inc.
(a company organized under the laws of Florida)
1 Malaga Street
P.O. Drawer 1048
St. Augustine, FL 32085-1048

Principal Business: Through four subsidiaries, Flagler Development Company, Florida East Coast Railway, L.L.C., Florida Express Carriers, Inc., and EPIK, Florida East Coast Industries, Inc. is involved in the telecommunications, transportation, and real estate industries.

Ownership interest: 100 percent

The entities that own 10 percent or more of the equity in Florida East Coast Industries, Inc. are:

Alfred I. Dupont Testamentary Trust
1650 Prudential Drive
Jacksonville, FL 32207
Principal Business: Testamentary Trust
Ownership Interest: 31.4%
Citizenship: U.S.A.

Franklin Mutual Advisors, LLC
51 John F. Kennedy Parkway
Short Hills, NJ 07078
Principal Business: Investment Firm
Ownership Interest: 13.7%
Citizenship: U.S.A.

- (i) Applicant certifies that it is not affiliated with any foreign carriers under the Commission's definitions of "foreign carrier" and "affiliated." See 47 C.F.R. §§ 63.09(d),(e).
- (j) Applicant further certifies that it is not a foreign carrier in any country, and that it neither controls nor is affiliated with any foreign carrier.
- (k) Not applicable.
- (l) Not applicable.
- (m) Applicant is not affiliated with a foreign carrier on any route.
- (n) Applicant 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 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) Applicant certifies pursuant to Section 1.2001 through 1.2003 of the Commission's Rules, 47 C.F.R. §§ 1.2001-1.2003, that it is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853(a).

(p) This application qualifies for streamlined processing under Section 63.10(a)(1) of the Commission's Rules, 47 C.F.R. §§ 63.10 (a)(1), because Applicant is presumptively non-dominant. Applicant is not a foreign carrier in any destination market, and Applicant has no affiliation with any foreign carriers.

CONCLUSION

For the foregoing reasons, EPIK requests that the Commission grant it Section 214 authorization to offer facilities-based and resale services between the United States and all international points.

Respectfully submitted,

EPIK Communications Incorporated

By:



John E. Welch
Executive Vice President and General Counsel
EPIK Communications Incorporated

August 10, 2001

RECEIVED

AUG 15 2001

Telecom Division
International Bureau

This check is GREEN

140994

WILEY REIN & FIELDING LLP
1776 K Street, N.W.
Washington, DC
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