

By this Attachment 1, Zayo Bandwidth, LLC (“ZB” or “Applicant”) provides responses to Questions 9-13 of the Application.

Response to Question 9

Applicant respectfully submits that this Application is eligible for streamlined processing pursuant to Section 63.12(a)-(b) of the Commission’s rules, 47 C.F.R. §63.12(a)-(b). Applicant is affiliated with two foreign carriers that resell telecommunications services in Canada. Nevertheless, Applicant qualifies for streamlined treatment under (A) Section 63.12(c)(1)(i) because the Commission has previously determined that Applicant’s foreign carrier affiliates lack market power in that destination market and (B) Section 63.12(c)(1)(i) because Applicant qualifies for a presumption of non-dominance under Section 63.10(a)(3) for the reasons detailed in response to paragraphs (k) and (m) of Applicant’s Response to Questions 11 & 12, below.

Response to Question 10

Applicant does not apply for authority to provide switched services over private lines pursuant to §63.12.

Response to Questions 11 & 12

ZB provides the following information and certifications as required in Section 63.18(i) through (m) of the Commission’s Rules, 47 C.F.R. § 63.18(i)-(m):

- (i) ZB certifies that it is currently affiliated within the meaning of Section 63.09(e) of the Commission’s rules, 47 C.F.R. § 63.09(e), with two foreign carriers, Onvoy, Inc. (“Onvoy”) and Local Fiber, LLC (“Local Fiber”). Onvoy and Local Fiber are registered as a resellers of telecommunications services in Canada. While ZB is not currently a foreign carrier, ZB is in the process of registering as a reseller of telecommunications services in Canada and will be a foreign carrier upon acceptance of that registration. ZB also is affiliated with Zayo Enterprise Networks, LLC (“ZEN”), which is in the process of registering as a reseller of telecommunications services in Canada and ZEN will be a foreign carrier upon acceptance of that registration.
- (j) ZB does not seek to provide international telecommunications services to any destination country where:
 - (1) ZB is currently a foreign carrier in that country; or
 - (2) ZB controls a foreign carrier in that country; or
 - (3) Two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate more than 25 percent of ZB and are parties to, or the beneficiaries of, a contractual relation affecting

the provision or marketing or international basic telecommunications services in the United States.

Applicant certifies that an entity that directly owns more than 25 percent of ZB, Zayo Group, LLC, also directly controls two foreign carriers, Onvoy and Local Fiber that resell telecommunications services in Canada. As stated above, ZB and its affiliate ZEN are both in the process of registering as a reseller of telecommunications services in Canada.

- (k) ZB certifies that Canada, the country referenced in paragraph (j) above, is a Member of the World Trade Organization (“WTO”). Onvoy and Local Fiber, the foreign carriers listed in paragraph (j), are not on the Commission’s List of Foreign Telecommunications Carriers that are presumed to Possess Market Power in Foreign Telecommunications Markets, released on January 26, 2007. In addition, Onvoy and Local Fiber, the foreign carriers listed in paragraph (j), offer services in competition with dominant foreign carriers and others.
- (l) ZB may resell international switched services of unaffiliated U.S. carriers in order to provide telecommunications services to countries where it has a foreign carrier affiliation. As demonstrated above and because Onvoy and Local Fiber lack 50 percent market share in the international transport and the local access markets on the foreign end of the route, Onvoy and Local Fiber should be presumptively found to be non-dominant pursuant to Section 63.10(a)(3) of the Commission’s rules, 47 C.F.R. § 63.10(a)(3).
- (m) ZB qualifies for a presumption of non-dominance under Section 63.10(a)(1) and (3) of the Commission’s rules, 47 C.F.R. § 63.10(a)(1,3), because it is not a foreign carrier and, as demonstrated above in paragraph (k), its affiliation is with non-dominant foreign carriers in a country that is a Member of the WTO.

Response to Question 13

Applicant does not seek authority to provide services to any destination where it is, or is affiliated with, a foreign carrier other than those listed in response to Question 12.