

Answer to Question 9

Hibernia Group ehf (“Hibernia”) requests streamlined processing of this Application pursuant to Section 63.12 of the Commission’s Rules, 47 C.F.R. § 63.12. This Application qualifies for streamlined treatment under Section 63.12 for the following reasons.

While Hibernia is affiliated with foreign carriers in certain foreign markets, its foreign carrier affiliates do not have market power in any foreign market. Hibernia Atlantic U.S. LLC, Hibernia Atlantic Cable System Limited, Hibernia Atlantic (UK) Limited, Hibernia Atlantic Communications (Canada) Company, and Hibernia Atlantic (NI) Limited (collectively the “Hibernia Affiliates”) are each wholly-owned subsidiaries of Hibernia. The Hibernia Affiliates have ownership interests in the Hibernia Atlantic cable system (formerly known as the 360atlantic Cable Network), a submarine cable network currently extending between the U.S., Canada, the U.K., and the Republic of Ireland (“Ireland”).¹ In conjunction with the services they provide between the U.S., Canada, the U.K. and Ireland, the Hibernia Affiliates also provide service in Belgium, France, the Netherlands, and Germany. The Hibernia Affiliates, individually and collectively, do not have market power in any of the foreign countries in which they provide service, as the Hibernia Affiliates, individually and collectively, hold less than a 50 percent market share in the international transport and the local access markets in these countries.

Hibernia is also affiliated with Magnet Networks Limited (“Magnet Networks”), a provider of voice, data, and television services in Ireland. Magnet Networks is a wholly-owned indirect subsidiary of Columbia Ventures Corporation (“CVC”). As discussed in Attachment 2, CVC holds more than 25 percent of the capital stock of Hibernia. Magnet Networks does not have market power in Ireland, as Magnet Networks does not hold a 50 percent market share in the international transport and the local access markets in Ireland.

Finally, Hibernia is affiliated with European Access Providers Limited (“LEAP”), a competitive provider of wireless and Internet over DSL services in Ireland, and Pivotel Group Pty. Ltd. (“Pivotel”), a satellite and mobile services provider in Australia (Pivotel, LEAP, the Hibernia Affiliates and Magnet Networks, collectively hereinafter referred to as the “Affiliates”). Kenneth D. Peterson, Jr., a U.S. citizen who holds 100 percent of the ownership interest in CVC, owns 100 percent of the ownership interest in LEAP. Mr. Peterson and CVC each hold a 50 percent ownership interest in Pivotel. LEAP does not hold a 50 percent market share in the international transport and local access markets in Ireland. Similarly, Pivotel does not hold a 50 percent market share in the international transport and the local access markets in Australia. As such, neither LEAP nor Pivotel have market power in the countries in which they provide their services.

¹ See IB File Nos. SCL-T/C-20021213-00104 and SCL-ASG-20021213-00103, granted Jan. 31, 2003, in DA No. 03-335, rel. Jan. 31, 2003.

On all other routes, Hibernia is not a foreign carrier or affiliated with a foreign carrier. Furthermore, Hibernia is not affiliated with any dominant U.S. carrier. Accordingly, Hibernia qualifies for non-dominant treatment or a presumption of non-dominant treatment on all routes and this Application qualifies for streamlined processing.

Answer to Questions 11 and 12

Section 63.18(i): Hibernia certifies that it is affiliated with foreign carriers in Australia, Canada, Ireland, the U.K., Belgium, France, the Netherlands, and Germany.

Section 63.18(j): Hibernia certifies that (i) Hibernia is not a foreign carrier in any foreign market; (ii) Hibernia controls foreign carriers in Canada, Ireland, the U.K., Belgium, France, the Netherlands, and Germany; (iii) CVC -- an entity that holds a greater than 25 percent ownership interest in Hibernia -- controls one (1) or more foreign carriers in Canada, Ireland, the U.K., Belgium, France, the Netherlands, and Germany, while Mr. Peterson (a U.S. citizen who controls CVC) controls a foreign carrier in Australia and Ireland; and (iv) two or more foreign carriers (or parties that control foreign carriers) will not own, in the aggregate, more than 25 percent of Hibernia post-close and are parties to, or the beneficiaries of, a contractual relation affecting the provision or marketing of international basic telecommunications services in the United States.

Section 63.18(k): Australia, Canada, Ireland, the U.K., Belgium, France, the Netherlands, and Germany are all members of the World Trade Organization.

Section 63.18(l): The Affiliates, both collectively and individually, hold significantly less than a 50 percent market share in the international transport and local access markets in the foreign countries in which they provide service. Accordingly, the Affiliates each lack market power and Hibernia is entitled to a presumption of non-dominant treatment.

Section 63.18(m): See response to Section 63.18(l).