

Answer to Question 9

Emerging Markets Communications Inc. (“EMC Inc”) 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.

EMC Inc is affiliated with an entity that could arguably be considered to be a foreign carrier in Germany, EMC Deutschland GmbH (“EMC Deutschland”). EMC Deutschland is a wholly-owned subsidiary of EMC. While EMC does not consider EMC Deutschland to be providing a common carrier service in Germany at this time, EMC Deutschland is registered in Germany to provide telecommunications services and holds earth station licenses. Assuming that EMC Deutschland is a foreign carrier, EMC Deutschland does not have market power in Germany, as EMC Deutschland does not have a 50 percent market share in the international transport and the local access markets in Germany. As such, even if EMC Deutschland is a foreign carrier in Germany, EMC Inc qualifies for a presumption of non-dominant treatment on this route. On all other routes, EMC Inc is not a foreign carrier or affiliated with a foreign carrier.¹ Furthermore, EMC Inc is not affiliated with any dominant U.S. carrier. Accordingly, EMC Inc qualifies for non-dominant treatment or a presumption of non-dominant treatment on all routes and this Application qualifies for streamlined processing.

Answers to Questions 11 and 12

Section 63.18(i): Referencing footnote 1, EMC Inc certifies that EMC Inc is affiliated with an entity, EMC Deutschland, that could arguably be considered to be a foreign carrier in Germany.

Section 63.18(j): Referencing footnote 1, EMC Inc certifies that (i) EMC Inc is not a foreign carrier in any market; (ii) EMC Inc controls an entity that could arguably be considered to be a foreign carrier, EMC Deutschland, in Germany; (iii) no individual or entity that owns more than 25 percent of EMC Inc or controls EMC Inc also controls a foreign carrier (other than EMC Deutschland); and (iv) two or more foreign carriers (or parties that control foreign carriers) do not own, in the aggregate, more than 25 percent of EMC Inc and are parties to, or the

¹ At present, EMC Inc or EMC Deutschland provides satellite connectivity to approximately 120 countries other than Germany. Neither EMC Inc nor EMC Deutschland holds or is required to hold any authority to provide a common carrier service in any of these countries. Furthermore, it is the position of EMC Inc that neither EMC Inc nor EMC Deutschland provides a common carrier service in any country (the U.S., Germany, or any other country) at this time. Thus, EMC Inc’s position is that neither EMC Inc nor EMC Deutschland is a foreign carrier at this time in the 120 countries other than Germany to which EMC Inc or EMC Deutschland provides satellite connectivity. Streamlined processing is appropriate on these routes in any event, as neither EMC Inc nor EMC Deutschland have market power in these locations (*i.e.*, neither EMC Inc nor EMC Deutschland have a 50 percent market share in the international transport and the local access markets in any of these countries).

beneficiaries of, a contractual relation affecting the provision or marketing or international basic telecommunications services in the United States.

Section 63.18(k): Germany is a member of the World Trade Organization.

Section 63.18(l): EMC Deutschland holds significantly less than a 50 percent market share in the international transport and local access markets in Germany. Accordingly, even if EMC Deutschland is a foreign carrier in Germany, EMC Deutschland lacks market power in Germany and EMC Inc is entitled to a presumption of non-dominant treatment on this route.

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

Answers to Questions 5 and 13

EMC Inc seeks international Section 214 authority to provide facilities-based and resold services to all international points pursuant to Sections 63.18(e)(1) and (2) of the FCC Rules. EMC Inc will comply with the requirements of Sections 63.21, 63.22, and 63.23 of the FCC Rules.