

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

_____)
In the Matter of)
)
Easynet Limited)
(FRN 0020278404))
)
Application for Global Authority) File No. ITC-214-_____-_____
Pursuant to Section 214 of the)
Communications Act of 1934, as amended,)
to Operate as an International Facilities-Based)
and Resale Carrier Between the United States)
and Various International Points)
_____)

APPLICATION

Easynet Limited (“Easynet” or “Applicant”) requests global facilities-based authority and global resale authority, under Section 214 of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 214, and Section 63.18 of the Commission’s Rules, 47 C.F.R. § 63.18, to provide international telecommunications services between the United States and international points. As explained herein, this Application is entitled to streamlined processing under Section 63.12(c)(1)(ii) of the Commission’s Rules, 47 C.F.R. § 63.12(c)(1)(ii).

I. THE APPLICANT

Easynet is a company formed in the United Kingdom with its headquarters located at Chancellor House, 5 Thomas More Square, London, E1W 1YW, United Kingdom. Easynet provides domestic and international telecommunications services in the United Kingdom. Easynet is also affiliated with the foreign carriers identified below, which provide telecommunications service in countries that Easynet may serve pursuant to the authority requested herein.

France:	Easynet SAS
Germany:	Easynet GmbH
The Netherlands:	Easynet Nederland BV, Concepts Information Communication Technology Holding BV, and Concepts Information Communication Technology Fiber & Wireless BV
Belgium:	Easynet Belguim NV/SA
Italy:	Easynet Italia SpA
Spain:	Easynet Espana SAU and Star Telecomunicaciones Avanzadas SL
Switzerland:	Easynet AG
Hong Kong:	Hong Kong Easynet Technology Co. Ltd

Easynet and its foreign carrier affiliates do not have more than a 50% market share in the international transport and local access markets in any country where they operate, and Easynet is therefore presumptively considered to be a non-dominant service provider pursuant to Section 63.10(a)(3) of the Commission's Rules, 47 C.F.R. §63.10(a)(3). In addition, Easynet has no affiliation with a dominant U.S. carrier whose international switched or private line services it seeks authority to resell and does not seek authority to provide switched basic services over private lines to a country for which the Commission has not previously authorized the provision of services.

II. PUBLIC INTEREST CONSIDERATIONS

By granting this application, the Commission will serve the public interest, convenience, and necessity by increasing competition in the international service market. Easynet believes that the added competition it will bring to the market will benefit the consumers of United States international telecommunications services. These benefits include competitive pricing and increased availability of a variety of innovative service options. Therefore, grant of this Application will further the public interest.

III. INFORMATION REQUIRED BY SECTION 63.18

Easynet submits the following information, as required by Section 63.18 of the Commission's Rules, in support of this Application:

- (a) Name, address and telephone number of Applicant:

Easynet Limited
Chancellor House
5 Thomas More Square
London, E1W 1YW
United Kingdom
Tel: 44-207-0325200

- (b) Applicant is organized under the laws of the United Kingdom.

- (c) Correspondence concerning this application should be sent to:

Andrew Lipman
Danielle Burt
BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Washington, DC 20006
Tel: (202) 373-6000
Fax: (202) 373-6001
Email: andrew.lipman@bingham.com
danielle.burt@bingham.com

with a copy to:

Richard Croft
Easynet Global Services
Chancellor House, 5 Thomas More Square
London, E1W 1YW, United Kingdom
Tel: +44 (0)20 7032 5047
Email: richard.croft@easynet.com

- (d) Easynet has not previously received authority under Section 214 of the Act.
- (e) Easynet requests global Section 214 authority to operate as a facilities-based and resale international carrier pursuant to Sections 63.18(e)(1) and 63.18(e)(2), respectively, of the Commission's Rules. Easynet requests such authorization for all international routes authorized by the Commission. As indicated above, while Easynet is a foreign carrier and is affiliated with foreign carriers, neither Easynet nor any foreign carrier affiliate has more than a 50% market share in the

international transport and local access markets in any country in which they operate and neither Easynet nor any foreign carrier affiliate has sufficient market power in the destination market to affect competition adversely in the U.S. market. Applicant certifies that it will comply with the terms and conditions of Sections 63.21, 63.22, and 63.23 of the Commission's Rules.

- (f) Easynet seeks Section 214 authorization to provide only the services referenced under paragraph (e) of Section 63.18 of the Commission's Rules.
- (g) Easynet will use previously authorized facilities to provide the services requested by the Application. Consequently, Easynet is categorically excluded from environmental assessment pursuant to Section 1.1306 of the Commission's Rules. 47 C.F.R. § 1.1306.
- (h) The following entities hold a ten percent (10%) or greater, direct or indirect, ownership interest in **Easynet Limited**:

Name: EGHL (UK) Limited
Address: Chancellor House
5 Thomas More Square
London, E1W 1YW
Citizenship: United Kingdom
Percentage Owned: 100%
Principal Business: Holding Company

The following entities hold a ten percent (10%) or greater, direct or indirect, ownership interest in **EGHL (UK) Limited**:

Name: EGHL Limited
Address: Chancellor House
5 Thomas More Square
London, E1W 1YW
Citizenship: United Kingdom
Percentage Owned: 100%
Principal Business: Holding Company

The following entities hold a ten percent (10%) or greater, direct or indirect, ownership interest in **EGHL Limited**:

Name: Lloyds TSB Development Capital Limited ("LDC")
Address: One Vine Street
London, W1J 0AH
Citizenship: United Kingdom
Percentage Owned: 58.38%
Principal Business: Investment Company

Name: OBS 2010 LP
Address: Quay 2
139 Fountainbridge
Edinburgh, EH3 9QG
Citizenship: United Kingdom
Percentage Owned: 12.513%; managed by LDC
Principal Business: Co-investment fund

Name: David Rowe
Address: 42 Arkwright Road
London, NW3 6BH
Citizenship: United Kingdom
Percentage Owned: 12.75%
Principal Business: Individual

The following entities hold a ten percent (10%) or greater, direct or indirect, ownership interest in **Lloyds TSB Development Capital Limited:**

Name: Lloyds TSB Bank Plc
Address: 25 Gresham Street
London, EC2V 7HN
Citizenship: United Kingdom
Percentage Owned: 100%
Principal Business: Banking

The following entities hold a ten percent (10%) or greater, direct or indirect, ownership interest in **Lloyds TSB Bank Plc:**

Name: Lloyds Banking Group Plc
Address: The Mound
Edinburgh, EH1 1YZ
Citizenship: United Kingdom
Percentage Owned: 100%
Principal Business: Banking

The following entities hold a ten percent (10%) or greater, direct or indirect, ownership interest in **Lloyds Banking Group Plc:**

Name: UK Financial Investments Limited
Address: 2 Lambs Passage
London, EC1Y 8BB
Citizenship: United Kingdom
Percentage Owned: 41%
Principal Business: Investment

The following entities hold a ten percent (10%) or greater, direct or indirect, ownership interest in **UK Financial Investments Limited**:

Name: Solicitor for the Affairs of Her Majesty's Treasury
Address: One Kemble Street
London, WC2B 4TS
Citizenship: United Kingdom
Percentage Owned: 100%
Principal Business: Provision of legal services to over 180 central government departments and other publicly funded bodies in England and Wales

No other entity owns more than 10% directly or indirectly of Easynet. Applicant does not have any interlocking directorates with a foreign carrier.

- (i) Easynet certifies that it is a foreign carrier in the United Kingdom within the meaning of Section 63.09(d) of the Commission's Rules, 47 C.F.R. §63.09(d). Easynet further certifies it is affiliated within the meaning of Section 63.09(e) of the Commission's Rules, 47 C.F.R. §63.09(e), with the following foreign carrier(s): Easynet Belgium NV/SA, Easynet Espana SAU, Star Telecomunicaciones Avanzadas SL, Easynet GmbH, Easynet Nederland BV, Concepts Information Communication Technology Holding BV, Concepts Information Communication Technology Fiber & Wireless BV, Easynet Italia SpA, Hong Kong Easynet, Technology Co. Ltd, Easynet AG, and Easynet SAS that operate, as described above, in France, Germany, the Netherlands, Belgium, Italy, Spain, Switzerland, and Hong Kong.
- (j) Easynet certifies that it seeks to provide international telecommunications services to all global points, including United Kingdom, France, Germany, the Netherlands, Belgium, Italy, Spain, Switzerland, and Hong Kong. The only exception is Easynet is not seeking authority to provide service to any point on the Commission's Exclusion List, which currently is only Cuba on a facilities basis.
- (k) United Kingdom, France, Germany, the Netherlands, Belgium, Italy, Spain, Switzerland, and Hong Kong are Members of the World Trade Organization and Easynet and its foreign carrier affiliates lack market power in the relevant services market in each country where Easynet operates as a foreign carrier or is affiliated with foreign carriers as described above.
- (l) Easynet may resell the international switched services or private line services of unaffiliated U.S. carriers for the purpose of providing telecommunications services to United Kingdom, France, Germany, the Netherlands, Belgium, Italy, Spain, Switzerland, and Hong Kong where Easynet operates as a foreign carrier or is affiliated with foreign carriers as described above.

- (m) Easynet presumptively qualifies for non-dominant treatment to United Kingdom, France, Germany, the Netherlands, Belgium, Italy, Spain, Switzerland, and Hong Kong pursuant to Section 63.10(a)(3) of the Commission's Rules, 47 C.F.R. § 63.10(a)(3). Neither Easynet nor any foreign carrier affiliate has more than a 50% market share in the relevant service market, and is therefore presumptively considered to be a non-dominant service provider.
- (n) Easynet certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier where the foreign carrier possesses market power on the foreign end of the route and Easynet will not enter into such agreements in the future.
- (o) Easynet certifies, pursuant to Sections 1.2001 through 1.2003 of the Commission's Rules (implementing the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862), it is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.
- (p) This application qualifies for streamlined processing pursuant to Section 63.12 of the Commission's Rules, 47 C.F.R. § 63.12. Although the Applicant operates as a foreign carrier in the United Kingdom and is affiliated with foreign carriers that operate in France, Germany, the Netherlands, Belgium, Italy, Spain, Switzerland, and Hong Kong as described above, it qualifies for a presumption of non-dominance under Section 63.10(a)(3) because Easynet and its foreign carrier affiliates lack 50 percent market share in the relevant service market on the foreign end of the route.

IV. CONCLUSION

For the reasons stated above, Easynet Limited respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Application.

Respectfully submitted,



Andrew Lipman

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Washington, DC 20006

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danielle.burt@bingham.com

Counsel for Easynet Limited

Dated: November 18, 2010

CERTIFICATION OF APPLICANT

The undersigned hereby certifies, on behalf of Easynet Limited ("Easynet") with respect to the foregoing application for section 214 authority to provide international services, that:

1. Easynet will comply with the terms and conditions contained in Section 63.21, 63.22 and 63.23 of the Commission's Rules, 47 C.F.R. §63.21-.23.

2. Easynet 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.

3. Easynet is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

4. The contents of the Application are true and correct to the best of my knowledge, information, and belief.

Easynet Limited

By: Richard Croft
Name: Richard Croft
Title: Secretary and General Counsel
Date: November 18, 2010