

ATTACHMENT 1

To

EASTLINK INTERNATIONAL USA INC.

**Application for Authority to Provide International Facilities-Based
and Resold Services to All International Points**

Eastlink International USA Inc. ("Applicant"), pursuant to 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), hereby applies for global authority to (1) operate as a facilities-based carrier pursuant to the terms and conditions of Section 63.18 (e)(1) of the Commission's Rules, 47 C.F.R. § 63.18 (e)(1) to provide international services to all foreign points as authorized by the Commission and (2) operate as a resale carrier pursuant to the terms and conditions of Section 63.18 (e)(2) of the Commission's Rules to resell and provide the international services of authorized United States common carriers to all foreign points as authorized by the Commission 47 C.F.R. § 63.18 (e)(2). The services sought to be provided by Applicant include international private lines interconnected with the public switched network to the extent permitted by Section 63.18 of the Commission's rules, 47 C.F.R. §63.16, for the provision of international voice, private line, Internet, data, video, and business services to all international points.

Grant of this application will benefit U.S. consumers by increasing service options and lowering prices. Thus, the public interest will be served by the grant of Section 214 authority to the Applicant.

Pursuant to Section 63.18 the following information is submitted in support of this application:

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

Eastlink International USA Inc.
P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Tel: 508-246-6361
Email: lin.gentemann@verizon.net

(b) The Applicant is a corporation organized under the laws of the State of Delaware.

(c) Correspondence concerning this application should be addressed to:

Eastlink International USA Inc.
P.O. Box 220
4481 Main Street
Oxford, NS B0M 1P0
Canada
Tel: 508-246-6361
Email: lin.gentemann@verizon.net

with copies of all correspondence to:

Robert Mazer
4800 Hampden Lane
Bethesda, MD 20814
Tel: 240-482-3710
Facsimile: 240-482-3759
Email: rmazer@rmazer.com

- (d) Applicant has not previously sought authority pursuant to Section 214 of the Communications Act of 1934, as amended.
- (e) The Applicant is herein requesting authority under Section 214 of the Communications Act of 1934, as amended, to operate as a facilities-based and resale international carrier pursuant to the terms and conditions of Section 63.18(e)(1) and (2), 63.21, and 63.23 of the Commission's rules, as well as any and all other rules and regulations of the Commission applicable hereto. The Applicant is herein requesting authority to provide facilities-based international services and to resell the international services of common carriers authorized by the Commission, including international private lines interconnected with the public switched network to the extent permitted by the Commission's rules, for the provision of international voice, private line, Internet, data, video, and business services to all international points pursuant to Section 63.16.63.18(e)(1) and (2), 63.21, and 63.23 of the Commission's rules, as well as any and all other rules and regulations of the Commission applicable hereto.
- (f) At this time, Applicant does not seek authority to provide service not referenced under paragraph (e) of Section 63.18 of the Commission's rules. 47 C.F.R. 63.18 (e).
- (g) Applicant will use previously authorized facilities to provide the services requested by this Application. Consequently, Applicant is categorically excluded from environmental assessment pursuant to Section 1.1306 of the Commission's Rules. 74 C.F.R. 1.1306.
- (h) For ownership and interlocking director information, please refer to Exhibit A.
- (i) The Applicant certifies that it is affiliated with the foreign carriers listed by name and destination country in Exhibit B hereto.
- (j) The Applicant certifies that it (1) is not a foreign carrier and (2) does not control a foreign carrier in any destination country in which it seeks to provide international telecommunications services. The Applicant further certifies that it seeks to provide international telecommunications services to certain destination countries in which (3) an entity that owns more than 25 percent of the Applicant or that controls the Applicant, controls a foreign carrier. Applicant further certifies that it does not seek to provide international telecommunications services to certain destination countries in which (4) two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate, more than 25 percent of the Applicant and are parties to, or beneficiaries of, a contractual relation affecting the provision of marketing of international telecommunications services in the United States. The foreign carriers and destination countries that are the subject of such affiliation are identified in Exhibit B hereto.

- (k) Each destination country listed in response to paragraph (i), is a member of the WTO (or treated as such by the Commission for Section 214 purposes).¹
- (l) On the US-Bermuda route Applicant is affiliated with a foreign carrier and that carrier is classified as dominant (see Exhibit B hereto) and proposes to resell the international services of unaffiliated U.S. carriers for the purpose of providing international telecommunications services to that destination. The Applicant will file the requisite quarterly traffic reports for traffic on those routes, as required by Section 43.16 (c) of the Commission's rules, 47 C.F.R. §43.61(c). On the US-Canada route, the Applicant is controlled by a carrier that controls far less than 50 percent of the relevant international transport and local access markets in Canada and the Applicant, therefore, qualifies for a presumption of non-dominance on that route under Section 63.10 (a)(3) of the Commission's rules (47 C.F.R. §63.10 (a)(3)).
- (m) The Applicant is entitled to non-dominant classification on all routes other than the US-Bermuda route as identified in Exhibit C hereto as requiring dominant status. On the US-Canada route, the Applicant's affiliated companies control a carrier that controls less than 50 percent of the relevant international transport and local access markets in Canada, the destination foreign country. The Applicant, therefore, qualifies for a presumption of non-dominance on this route under Section 63.10 (a)(3) of the Commission's rules (47 C.F.R. §63.10 (a)(3)).
- (n) The Applicant certifies that it has not agreed and will not agree in the future to accept any direct or indirect special concessions from any foreign carrier with respect to any United States international route where any such foreign carrier possesses market power on the foreign end of the route to affect competition adversely in the U.S. market.
- (o) The Applicant certifies, pursuant to Section 1.2001 through 1.2003 of the Commission's rules (47 C.F.R §§ 1.2001-1.2003), that no party to this application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. §853a).
- (p) The Applicant desires streamlined processing of this application pursuant to Section 63.12 of the Commission's rules. Streamlined processing is appropriate for this Application under Section 63.12 of the Commission's rules because, for every country for which authority is requested in this Application, either the Applicant (1) has no foreign affiliate; (2) has a foreign affiliate but the country is a member of the WTO (or treated as such by the Commission for Section 214 purposes)²; (3) has a foreign affiliate but the Applicant qualifies for a presumption of non-dominant treatment under Section 63.10 (a)(3); or (4) has agreed to accept dominant carrier status. Applicant has accepted dominant status and thus, the Applicant is eligible for such streamlined processing because none of the exceptions which would disqualify the Applicant from eligibility as set forth in 63.12 of the Commission's rules are applicable.

¹ See, e.g., Cable and Wireless USA, Inc., Application for Authority to Operate as a Facilities-based Carrier in Accordance with the Provisions of Section 63.18(e)(4) of the Rules between the United States and Bermuda, File No. ITC-214-19990709-00412, Order, Authorization and Certificate, 15 FCC Rcd 3050 (2000), at para. 7 (deferring to the opinion of the U.S. Department of State in treating Bermuda as a WTO Member for purposes of applying the proper entry standard).

² See Footnote 1.

In conclusion, the Applicant certifies that all of the information in this application is complete and correct. In view of the information contained herein, the Applicant respectfully submits that it is legally, technically, and financially qualified to operate as facilities-based carrier and provide international resale services and that grant of this application will serve the present and future public interest, convenience and necessity. Accordingly, the Applicant requests that the Commission act expeditiously and favorably on this application.

EXHIBIT A
OWNERSHIP AND INTERLOCKING DIRECTOR INFORMATION

OWNERSHIP INFORMATION: SEE ATTACHED OWNERSHIP CHART 1

Name: John L. Bragg
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Citizenship: Canadian
Individual: Directly Owns 55.56% of all voting shares of Tidnish Holdings Limited.
Also directly owns 90.9% of all voting shares of each of BAFX Holdings Limited, Aljaben Inc., Mattbragg Holdings Limited and Colombier Holdings Limited.
Principal Business: Individual Owner and Investor

Name: Aljaben Inc.
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 11.11% of all voting shares of Tidnish Holdings Limited.
Principal Business: Holding Company

Name: B.A.F.X. Holdings Limited
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 11.11% of all voting shares of Tidnish Holdings Limited.
Principal Business: Holding Company

Name: Colombier Holdings Limited
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada

Entity: Directly Owns 11.11% of all voting shares of Tidnish Holdings Limited.
Principal
Business: Holding Company

OWNERSHIP INFORMATION: Continued

Name: Mattbragg Holdings Limited
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 11.11% of all voting shares of Tidnish Holdings Limited.
Principal
Business: Holding Company

Name: Tidnish Holdings Limited
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 100% of Eastlink International Holdings Inc.
Principal
Business: Holding Company

Name: Eastlink International Holdings Inc.
Address: P.O. Box 220
4881 Main Street
Oxford, NS B0M 1P0
Canada
Origin: Organized under the laws of Canada
Entity: Directly Owns 100% of Eastlink International USA Inc. (Applicant)
Principal
Business: Holding Company

INTERLOCKING DIRECTORATES INFORMATION: SEE ATTACHED CHART 2

The individuals identified on Chart 2 comprise the list of "persons or entities who perform duties of 'officer or director' in an authorized U.S.-international carrier or an applicant for international Section 214 authorization who also performs such duties for any foreign carrier." 47 C.F.R. §63.09(g)(1) and 47 C.F.R. §63.18 (e)(4).

Exhibit B – List of Foreign Affiliated Carriers

Name of the affiliated carrier	Country in which licensed to offer telecommunications services to the public	WTO Members
<p>Cable and Wireless Bermuda Ltd.³ A wholly-owned subsidiary of Cable and Wireless (Bermuda) Holdings Limited, which is a wholly-owned subsidiary of Eastlink International Holdings Inc., which is also Applicant's parent company as more particularly described in Exhibit A.</p>	<p>Bermuda</p>	<p>Yes⁵</p>
<p>Quantum Communications Ltd.⁴ 40% owned by Cable and Wireless (Bermuda) Holdings Limited, which is a wholly-owned subsidiary of Eastlink International Holdings Inc., which is also Applicant's parent company as more particularly described in Exhibit A.</p>	<p>Bermuda</p>	<p>Yes⁶</p>
<p>Bragg Communications Inc. Wholly-owned subsidiary of Tidnish Holdings Limited, which directly owns 100% of Eastlink International Holdings Inc., which is Applicant's parent company as more particularly described in Exhibit A.</p>	<p>Canada</p>	<p>Yes</p>

³On March 10, 2011, Eastlink International Holdings Inc. ("Eastlink International") acquired the Bermuda operations of Cable & Wireless Communications. Specifically, Eastlink International acquired Cable and Wireless (Bermuda) Holdings Ltd., including its' wholly-owned subsidiary Cable and Wireless Bermuda Ltd. and 40% interest in Quantum Communications Ltd. The newly acquired Eastlink International companies will be rebranded in time but at present continue to operate under the Cable & Wireless name in accordance with the terms of the transaction.

⁴ See Footnote 3.

⁵ See Footnote 1.

⁶ See Footnote 1.

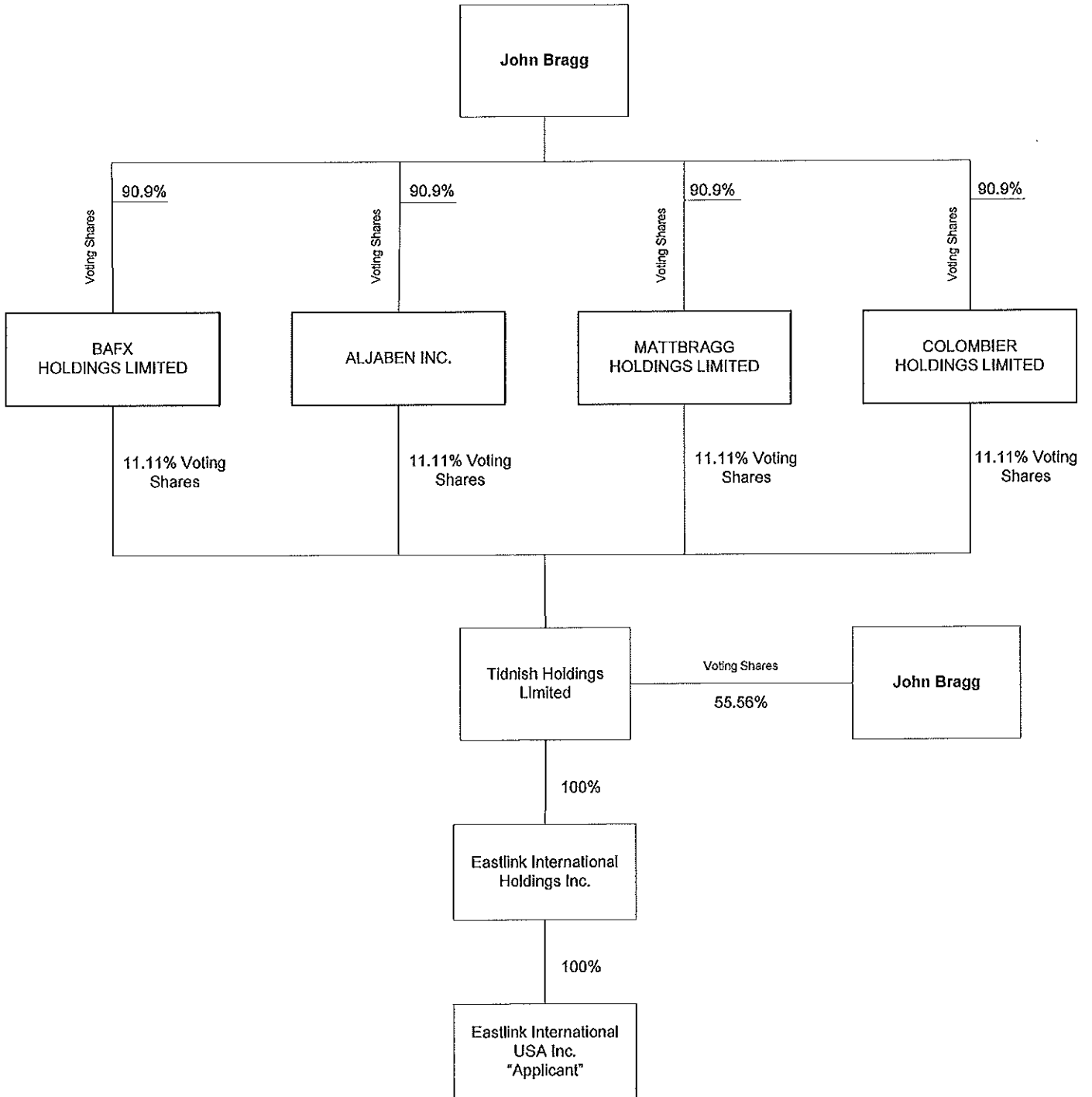
Exhibit C – Dominant Status⁷

Destination Market	Foreign Carrier with Market Power
Bermuda	Cable and Wireless Bermuda Ltd.

⁷ This list identifies Cable and Wireless Bermuda Ltd. ("CWB"), the only carrier affiliated with Eastlink International USA Inc. ("Applicant") that appears on the FCC's "List of Foreign Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets", DA 07-233, January 26, 2007. Applicant believes that CWB is no longer dominant in the designated market as a result of the introduction of facilities-based competition from two other licensed carriers with their own submarine fiber optic networks between Bermuda and the US. See *TeleBermuda International, L.L.C.*, File No. SCL-95-009, *Cable Landing License* (rel. Dec. 6, 1996); *Cedar Cable Ltd.*, FCC Public Notice, DA No. 09-408, (SCL-LIC 20080603-00011), February 20, 2009. However, we do not believe that this Section 214 application is the appropriate vehicle for revisiting the dominant status of CWB in the Bermuda destination market. A petition requesting the Commission's review of CWB's dominant status and seeking reclassification as a nondominant carrier will be filed separately.

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Eastlink International USA Inc.
Ownership
Chart 1



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CHART 2

**INTERLOCKING DIRECTORATES
EASTLINK INTERNATIONAL USA INC.**

INDIVIDUAL	EASTLINK INTERNATIONAL USA INC. (APPLICANT)	BRAGG COMMUNICATIONS INC.	AMTELECOM HOLDINGS INC.	CABLE AND WIRELESS BERMUDA LTD.
John Bragg	Director & Chairman	Director & Chair	Director & Chair	Director & Chairman
Lee Bragg	President	Chief Executive Officer & Vice Chair	Chief Executive Officer & Vice Chair	Director & President
David Hoffman	Director & Vice President	Director & Vice President	Director & Vice President	Director & Vice President
Ann Petley-Jones	Chief Executive Officer	N/A	N/A	Chief Executive Officer
Richard Cecchetto	Chief Financial Officer	Vice President	Vice President	Chief Financial Officer
Geoffrey C. Baldwin	Director & Secretary/Treasurer	Director & Secretary/Treasurer	Director & Secretary/Treasurer	Director & Treasurer
George Caines	Assistant Secretary	Assistant Secretary	Assistant Secretary	Assistant Secretary