

ATTACHMENT 1

Application of Viettel America Corporation For Section 214 Authority to Provide International Facilities-Based and Resold Services

Pursuant to Section 214 of the Communications Act of 1934, as amended, and Section 63.18 of the Commission's rules,¹ Viettel America Corporation ("Viettel America") seeks Commission consent for it to provide international telecommunications services on a facilities-based and resale basis between the United States and all international points (except any points on the Commission's exclusion list).

Answer to Question 9

Viettel America requests streamlined processing pursuant to Section 63.12 of the Commission's rules.² As further discussed below, Viettel America has foreign carrier affiliates in Cambodia, Cameroon, Haiti, Laos, Mozambique, Peru, Timor-Leste, and Vietnam. Viettel America qualifies for a presumption of non-dominance on the international routes between the United States and Cambodia, Cameroon, Laos, Mozambique, Peru, and Timor-Leste. There also is good cause for non-dominant status on the U.S.-Haiti and U.S.-Vietnam route, but if the Commission determines that Viettel America should be classified as dominant on either or both of those routes, Haiti and Vietnam are World Trade Organization ("WTO") member countries and Viettel America agrees to accept regulation as a dominant carrier on the routes in which it is deemed dominant pursuant to Section 63.10 of the Commission's rules.³

Answer to Question 11

Viettel America responds to the questions and certifications set forth in Sections 63.18(i) through (m) of the Commission's rules as follows:

- (i) Viettel America certifies that it is not a foreign carrier, but that it is affiliated with foreign carriers operating in Cambodia, Cameroon, Haiti, Laos, Mozambique, Peru, Timor-Leste, and Vietnam.
- (j) Viettel America certifies that it seeks authority to provide international facilities-based and resale services between the United States and the foreign countries listed in subsection (i) above. Viettel America, through its parent company Viettel Group, is affiliated with the following foreign carriers:
 - Viettel Cambodia (a/k/a Metfone) – Cambodia
 - Viettel Cameroon – Cameroon

¹ 47 U.S.C. § 214; 47 C.F.R. § 63.18.

² 47 C.F.R. § 63.12.

³ *Id.* § 63.10.

- National Telecom S.A. (a/k/a Natcom) – Haiti
- Star Telecom (a/k/a Unitel) – Laos
- Movitel – Mozambique
- Viettel Peru – Peru
- Viettel Timor Leste – Timor-Leste
- Viettel Telecom – Vietnam
- Viettel Overseas – Vietnam
- Vietnam Posts & Telecommunications Group – Vietnam

Natcom is the result of the 2010 privatization of the Haitian national telecommunication company Télécommunications d'Haiti S.A.M. But much of the landline telecommunications network in Haiti was damaged or destroyed in the catastrophic earthquake that occurred in 2010, and Natcom's customer base for landline services is de minimis.

Under the Commission's rules, Viettel America would be considered affiliated with the dominant carrier Vietnam Posts & Telecommunications Group ("VNPT") in Vietnam because VNPT and Viettel Group are both ultimately state-owned enterprises. VNPT and Viettel Group, however, are run and operated independently of each other.

- (k) Cambodia, Cameroon, Haiti, Laos, Mozambique, Peru, and Vietnam are all members of the World Trade Organization ("WTO"). Although Timor-Leste is not a WTO member country, Viettel Timor Leste lacks market power in that country.
- (l) Not applicable.
- (m) Viettel America requests non-dominant status on all international routes between the United States and the countries in which it has foreign carrier affiliates (*i.e.*, Cambodia, Cameroon, Haiti, Laos, Mozambique, Peru, Timor-Leste, and Vietnam). Each Viettel America foreign affiliate in Cambodia, Cameroon, Laos, Mozambique, Peru, and Timor-Leste is not a monopoly provider of communications service in that market, and each foreign affiliate lacks 50 percent market share in the international transport and the local access markets on the foreign end of the route. Accordingly, pursuant to Section 63.10(a)(3), Viettel America is presumptively classified as non-dominant on the international routes between the United States and Cambodia, Cameroon, Laos, Mozambique, Peru, and Timor-Leste.

Viettel America also requests non-dominant status on the U.S.-Haiti route in light of the current status of landline operations in Haiti. If the Commission determines that Viettel America should be classified as dominant on the U.S.-Haiti route, Viettel America agrees to accept regulation as a dominant carrier on the U.S.-Haiti route, without prejudice to being reclassified as non-dominant at a later date.

Viettel America also requests non-dominant status on the U.S.-Vietnam route given that its affiliation with VNPT is merely because VNPT and Viettel Group are both ultimately state-owned enterprises and VNPT and Viettel Group are run and operated independently of each other. If the Commission determines that Viettel America should be classified as dominant on the U.S.-Vietnam route, Viettel America agrees to accept regulation as a dominant carrier on the U.S.-Vietnam route, without prejudice to being reclassified as non-dominant at a later date.

Response to Question 12

As noted above in response to Question 11, Viettel America seeks authority to provide international facilities-based and resale services between the United States and Cambodia, Cameroon, Haiti, Laos, Mozambique, Peru, Timor-Leste, and Vietnam.

ATTACHMENT 2

Application of Viettel America Corporation For Section 214 Authority to Provide International Facilities-Based and Resold Services

Answer to Question 14

Pursuant to Section 63.18(h) of the Commission's rules, the entities that directly or indirectly hold a ten percent or greater interest in Viettel America are as follows. Viettel Group holds a 100 percent of the ownership interests in Viettel America. Viettel Group, located at 01 Giang Van Minh Street, Ba Dinh district, Hanoi, 10000 Vietnam, is organized under the laws of Vietnam. Its principal business is communications services. Viettel Group is a 100 percent state-owned enterprise, under the management of the government. The government's address is 01 Hoang Hoa Tham Street, Ba Dinh District, Hanoi, Vietnam.

No other entity or individual holds a 10 percent or greater direct or indirect interest in Viettel America. Viettel America has no interlocking directorates with foreign carriers.

Response to Question 15

Viettel America responds to questions set forth in Sections 63.18(d), (e)(3) and (g) of the Commission's rules as follows:

- (d) Viettel America has not previously received authority under Section 214 of the Communications Act.
- (e)(3) Because Viettel America does not seek authority to acquire facilities or to provide services that are not covered by Sections 63.18(e)(1) and 63.18(e)(2) of the Commission's rules, subsection (e)(3) is not applicable.
- (g) Because Viettel America does not seek facilities-based authority under Section 63.18(e)(3) of the Commission's rules, subsection (g) is not applicable.