

2 February 2015

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Sirs,

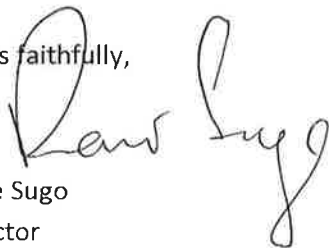
Attachment 1 – Statements and Certifications in support of Section 214 application

1. Section 63.18(e)(1)(iii). I certify that in respect of the provision of facilities-based U.S.-international common carrier services, Symbio Wholesale Pty Ltd will comply with the terms and conditions contained in Sections 63.21 and 63.22 of the FCC Rules.
2. Section 63.18(e)(2)(iii). I certify that in respect of the provision of resale based U.S.-international common carrier services, Symbio Wholesale Pty Ltd will comply with the terms and conditions contained in Sections 63.21 and 63.23 of the FCC Rules.
3. Section 63.18(i). I certify that Symbio Wholesale Pty Ltd is a foreign carrier in Australia, New Zealand and Singapore, and not in any other destination market.
4. Section 63.18(j) and response to Question 12 of the FCC International Section 214 Application. I certify that Symbio Wholesale Pty Ltd seeks to provide international telecommunications services to the following destination countries in which it is a foreign carrier: Australia, New Zealand and Singapore.
5. Section 63.18(k). Each of Australia, New Zealand and Singapore is a member of the World Trade Organisation.
6. Section 63.18(m). Symbio Wholesale Pty Ltd qualifies for a presumption of non-dominance under Section 63.10(a)(3) of the FCC Rules in each of Australia, New Zealand and Singapore where it is a foreign carrier, for the following reasons:
 - a) Symbio Wholesale Pty Ltd is not a monopoly provider of communications services in Australia, New Zealand or Singapore.
 - b) Symbio Wholesale Pty Ltd is not affiliated with a foreign carrier that is a monopoly provider of communications services in Australia, New Zealand or Singapore.
 - c) Symbio Wholesale Pty Ltd and its affiliated entities lack sufficient market power on the foreign end of each of the U.S. – Australia, U.S. – Singapore and US. – New Zealand routes to affect competition adversely in the U.S. market.
 - d) Over 50% of the market share in the international transport and the local access markets in Australia is held by the incumbent, Telstra. For example, in 2012–13 Telstra held 63% market share of the retail fixed voice services. Source: ACCC Telecommunications Report 2012-2013:

<https://www.accc.gov.au/publications/accc-telecommunications-report/accc-telecommunications-report-2012-13> .

- e) Over 50% of the market share in the international transport and the local access markets in New Zealand is held by the incumbent, Spark New Zealand.
 - f) Over 50% of the market share in the international transport and the local access markets in Singapore is held by the incumbent, Singtel.
 - g) Symbio Wholesale Pty Ltd and its affiliated entities lack 50% market share in the international transport and the local access markets on the foreign end of each of the U.S. – Australia, U.S. – Singapore and U.S. – New Zealand routes because each of the incumbents Telstra, Spark New Zealand and Singtel hold the majority market share in those markets.
 - h) As further evidence of Symbio Wholesale Pty Ltd's non-dominant market share in each of Australia, New Zealand and Singapore, the published revenue of Symbio Wholesale Pty Ltd's parent company and each of the incumbents is set out below:
 - My Net Fone Ltd (Symbio Wholesale Pty Ltd's parent company): AUD \$59.3M (June 14)
 - Telstra: AUD \$26.8B (June 14)
 - Spark New Zealand: NZD\$3.6B (June 14)
 - Singapore Telecommunications Limited (Singtel): S\$16.8B (March 14)
 - i) Accordingly, Symbio Wholesale Pty Ltd qualifies for a presumption of non-dominance in each of Australia, New Zealand and Singapore under Section 63.10(a)(3) of the FCC Rules.
7. Symbio Wholesale Pty Ltd qualifies for streamlined processing in accordance with Section 63.12 of the FCC Rules because:
- a) despite being affiliated with a foreign carrier in the destination markets of Australia, New Zealand and Singapore, paragraph 6 of this letter demonstrates that Symbio Wholesale Pty Ltd qualifies for a presumption of non-dominance under Section 63.10(a)(3) and accordingly satisfies the requirements of Section 63.12(c)(1)(ii); and
 - b) Symbio Wholesale Pty Ltd does not have an affiliation with a dominant U.S. carrier whose international switched or private line services it seeks authority to resell (Section 63.12(c)(2)).

Yours faithfully,



Rene Sugo
Director
Symbio Wholesale Pty Ltd