

ATTACHMENT 1

Response to Question 9:

Megaport (USA), LLC (“Megaport USA”), qualifies for streamlined processing pursuant to 47 C.F.R. § 63.12(c)(1)(ii) because it qualifies for a presumption of non-dominance under 47 C.F.R. § 63.10(a)(3), as explained in response to Question 11 and 47 C.F.R. § 63.18(m) below.

Response to Question 11:

47 C.F.R. § 63.18(i):

Megaport USA certifies that it is not a foreign carrier, as that term is defined by 47 C.F.R. § 63.09(d), and certifies that it does not control any foreign carriers. Megaport USA certifies that it is affiliated, as that term is defined in 47 C.F.R. § 63.09(e), with foreign carriers in Australia, Hong Kong, and Singapore.

47 C.F.R. § 63.18(j):

Megaport USA certifies that it requests authority to provide international telecommunications services to the following destination countries where a person or entity that owns more than 25 percent of the applicant, or that controls the applicant, controls a foreign carrier in that country:

Destination Country	Affiliated Entity
Australia	Superloop (Australia) Pty Ltd
Singapore	Superloop (Singapore) Pte. Ltd.
Hong Kong	Megaport (Hong Kong) Limited
Singapore	Megaport (Singapore) Pte Limited
Australia	SubPartners Pty Limited

Megaport further certified that it is not a foreign carrier in any country, does not control a foreign carrier in any country, and that two or more foreign carriers (or parties that control such foreign carriers) do not own more than 25 percent of the applicant and are parties to, or the beneficiaries of, a contractual relation affecting the provision or marketing of international basic telecommunications services in the United States.

47 C.F.R. § 63.18(k):

Megaport USA certifies that Australia, Hong Kong, and Singapore are WTO member countries.¹

47 C.F.R. § 63.18 (m):

Megaport USA's foreign-carrier affiliates in Australia, Hong Kong, and Singapore lack market power in their respective markets. As new entrants in the their respective markets, Megaport USA's affiliated foreign carriers have negligible market share, lacking the requisite 50-percent-or-greater market share in either of the respective international transport market or local access market of Australia, Hong Kong, and Singapore. These affiliated foreign carriers do not appear on the Commission's list of foreign telecommunications carriers presumed to possess market power in foreign telecommunications markets.² These foreign carriers therefore qualify for presumptions of non-dominance pursuant to 47 C.F.R. § 63.10(a)(3) and exemptions from the dominant carrier safeguards in 47 C.F.R. § 63.10(c)-(e).

¹ See World Trade Organization, *Understanding the WTO: The Organization, Members and Observers*, https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm (last visited Apr. 9, 2015).

² See *International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, 22 FCC Rcd. 945 (Int'l Bur. 2007).

Response to Question 12:

Megaport USA requests authority to provide services to Australia, Hong Kong, and Singapore, each a destination country listed in response to Question 11 and 47 C.F.R. § 63.18(j)(3) in which affiliated foreign carriers operate.

Response to Question 13

Megaport USA seeks authority to provide global facilities-based and global resale services to all international points, including those destination countries listed in response to Question 12.