

**MARCATEL TELECOMMUNICATIONS, LLC**

**APPLICATION FOR FACILITIES-BASED GLOBAL SECTION 214 AUTHORITY**

**Attachment 1**

In connection with its Section 214 application for facilities-based global Section 214 authority, Marcatel Telecommunications, LLC (“Marcatel USA” or “Applicant”) provides below the information required by Section 63.18 of the Commission’s Rules, 47 C.F.R. § 63.18, and requested in Questions 10 – 20 of the Commission’s application form. Marcatel USA is a Delaware limited liability company whose principal business is to provide wholesale telecommunications services.

**Section 63.18(a): Name, address and telephone number of Applicant**

Marcatel Telecommunications, LLC  
10190 Katy Freeway  
Suite 410  
Houston, TX 77043  
Telephone: (52) 81 4777-7000 ext. 84825

**Section 63.18(b): Jurisdiction of organization**

Applicant is a limited liability company organized under the laws of Delaware.

**Section 63.18(c): Correspondence concerning this application**

Marcatel Telecommunications, LLC  
Attn: Gerardo Medellin  
10190 Katy Freeway  
Suite 410  
Houston, TX 77043  
Telephone: (52) 81 4777-7000 ext. 84825  
E-mail: [gmedellin@marcatel.net](mailto:gmedellin@marcatel.net)

With a copy to:

David Nace, Esq.  
Robert S. Koppel, Esq.  
Lukas, Nace, Gutierrez & Sachs, LLC  
8300 Greensboro Drive, Suite 1200  
McLean, VA 22102  
Phone: 703-584-8661  
Fax: 703-584-8696  
E-mail: [dnace@fcclaw.com](mailto:dnace@fcclaw.com)

**Section 63.18(d): Other Section 214 authorizations**

Applicant holds a Section 214 authorization for global resale service, File No. ITC-214-20120913-00230, granted February 8, 2013.

**Section 63.18(e): Nature of Authority Sought**

Applicant seeks authority to lease, acquire and/or construct facilities in order to provide facilities-based service within the United States and to and from the United States to all authorized international points, including Mexico, pursuant to Section 63.18(e)(1). Applicant certifies that it will comply with Sections 63.21 and 63.22 of the Commission’s Rules, as appropriate.

**Section 63.18(f): Scope of Authority Sought**

Applicant does not seek authority to provide service not referenced under paragraph (e) of Section 63.18 of the Commission’s Rules.

**Section 63.18(g): Use of Facilities**

Applicant initially plans to provide service by leasing fiber optic facilities constructed and/or owned by other service providers. Thus, the authorization of facilities is categorically excluded from an environmental assessment. If the Applicant ultimately seeks to construct its own fiber optic facilities, it will comply with the FCC’s rules regarding environmental assessment.

**Section 63.18(h): Information regarding the ownership of applicant**

The following persons or entities directly or indirectly own at least 10% of Applicant:

Applicant is a wholly owned subsidiary of IXC International, LLC (“IXC”), a limited liability company organized under the laws of Delaware. The principal business of IXC is to serve as a holding company. The address of IXC is 10190 Katy Freeway, Suite 410, Houston, TX 77043

IXC is wholly owned by Telecom Overseas C.V. (“TOCV”), a limited partnership organized under the laws of the Netherlands. TOCV functions solely as a holding company. The address of TOCV is AJ Ernstraat 199, Amsterdam, Netherlands. TOCV has one general partner: Stichting Jarda which is a Dutch foundation. Stichting Jarda owns less than a one percent (1%) interest in TOCV. The address of Stichting Jarda is Baarerstrasse 75, CH-6300, Zug, Switzerland. TOCV has one limited partner: Gustavo Mario de la Garza Ortega, a citizen of Mexico whose principal business is his work as a telecommunications executive. Mr. de la Garza Ortega owns more than a ninety-nine percent (99%) interest in TOCV. The address of Mr. De la Garza Ortega is Avenida San Jeronimo 210 Poniente, Colonia San Jeronimo, Monterrey, Nuevo Leon, Mexico.

Interlocking directorates:

The term “interlocking directorates” is defined in Section 63.09(g)(1) of the Commission’s Rules to mean “... persons or entities who perform the 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.” The following “interlocking directorates” exist with respect to the officers and directors of Marcatel USA:

<b>Person or Entity</b>	<b>Marcatel Officers and Directors</b>	<b>Interlocking Directorates</b>
Gustavo Mario de la Garza Ortega	President and Secretary	Mr. de la Garza Ortega, a citizen of Mexico, is a Chairman of Marcatel Com, S.A. de C.V. (“Marcatel Mexico”), a Mexican long distance and international carrier.
Gustavo Mario de la Garza Flores	CEO	Mr. de la Garza Flores, a citizen of Mexico, is the CEO of Marcatel Mexico.
Gerardo Adrián Medellín de la Cerda	Assistant Secretary and Agent	Mr. Medellin, a citizen of Mexico, is a General Counsel/Agent of Marcatel Mexico.
Adrián Moreno Rico	Assistant Secretary And Agent	Mr. Moreno, a citizen of Mexico, is a General Counsel/Agent of Marcatel Mexico.

**Section 63.18(i): Certification regarding the applicant’s foreign carrier status or affiliation**

Applicant is affiliated with Marcatel Mexico, a Mexican long distance and international carrier.

**Section 63.18(j):**

Applicant seeks authority to provide facilities-based service to all authorized international points, including Mexico. As indicated herein, Applicant is affiliated with Marcatel Mexico, a Mexican long distance and international carrier.

**Section 63.18(k): Information regarding the Applicant’s affiliated foreign carrier**

Marcatel Mexico is a competitive long distance and international carrier in Mexico, with less than a two percent market share. Mexico is a Member of the World Trade Organization. In addition, the Commission has previously found that "Marcatel [Mexico] has a limited market

share, no market power, and a lack of control over bottleneck services or facilities." *See* the Commission's Order granting Section 214 authorization to Progress International, LLC in File No. ITC-97-048. This remains true today. Marcatel Mexico is not on the FCC's "List of Foreign Telecommunications Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets."

**Section 63.18(l):**

For the reasons stated in response to Section 63.18(k), Marcatel Mexico has no market power in Mexico to affect competition adversely in the U.S. market, and Applicant satisfies the requirements of Section 63.10(a)(3) to be a presumptively a non-dominant carrier.

**Section 63.18(m): Classification as a non-dominant carrier**

For the reasons stated in response to Sections 63.18(k) and (l), Applicant desires to be regulated as non-dominant on all international routes, including affiliated routes.

**Section 63.18(n): Certification regarding No Special Concessions**

Applicant certifies that it 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 market power on the foreign end of the route. Applicant further certifies that it will not enter into such agreements in the future.

**Section 63.18(o): Anti-Drug Abuse Act Certification**

Applicant certifies that no party to the Application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

**Section 63.18(p): Request for streamlined processing**

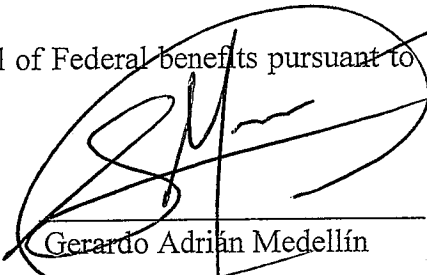
Applicant does not request streamlined processing of the Application pursuant to Section 63.12 of the Commission's Rules. Applicant recognizes that this Application will be forwarded to Team Telecom, and Applicant specifically requests that the Application be forwarded immediately, rather than at the end of the Public Notice period.

## CERTIFICATIONS

The undersigned hereby certifies, on behalf of Marcatel Telecommunications, LLC ("Marcatel USA" or "Applicant") with respect to the foregoing Section 214 application for global facilities-based authority, as follows:

1. Applicant is affiliated with Marcatel Com, S.A. de C.V ("Marcatel Mexico"), a Mexican long distance and international carrier.
2. Applicant will comply with Sections 63.21 and 63.22 of the Commission's Rules, as appropriate.
3. Applicant seeks authority to lease, acquire and/or construct facilities in order to provide facilities-based service within the United States and to and from the United States to all authorized international points, including Mexico.
4. Applicant 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 market power on the foreign end of the route. Applicant further certifies that it will not enter into such agreements in the future.
5. No party to the Application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

By:

  
Gerardo Adrián Medellín

Title: Assistant Secretary and Agent  
Marcatel Telecommunications, LLC

Date: August 18, 2016