

The Applicant, AFRIX Telecom LLC (“AFRIX”), provides the following information required by **47 C.F.R. §63.18**:

(d) The Applicant has not previously received Section 214 authority from the Commission.

(e) AFRIX is applying for authority to operate as a facilities-based carrier pursuant to the terms and conditions of §63.18(e)(1) of the Commission’s Rules,<sup>1</sup> and as a resale carrier, pursuant to the terms and conditions of §63.18(e)(2) of the Commission’s Rules.<sup>2</sup> The Applicant may also provide non-interconnected private line services on a resale basis, pursuant to Commission Rule 63.18(e)(3).<sup>3</sup> AFRIX requests authority to serve all countries permitted under a grant of global authority. As evidenced by the certification provided, AFRIX will comply with the terms and conditions specified in Commission Rules 63.21, 63.22, and 63.23.<sup>4</sup>

(f) Not applicable.

(g) The Applicant will use previously authorized, resold facilities to provide the services requested by the Application. Consequently, Applicant is categorically excluded from environmental assessment under Commission Rule 1.1306.<sup>5</sup>

(i) The Applicant certifies that it is affiliated with the following foreign carriers in the foreign countries indicated, each of which is a fellow subsidiary 100% owned (or co-owned, where indicated below) by AFR-IX telecom S.L., the Applicant’s parent company, an authorized foreign carrier in Spain and Portugal. None of the following foreign carriers is a monopoly provider of communications services in a relevant market in its foreign country. Each foreign carrier affiliate is a niche operator offering data services to certain enterprise customers in the foreign market in which it operates. As further evidence of this, Applicant has confirmed that none of the following foreign carriers appear on the Commission’s list of foreign carriers that do not qualify for the presumption that they lack market power in particular foreign points because they have 50 percent or more market share in the international transport or local access markets of a foreign point. *See*, Note 2 to 47 C.F.R. § 63.22.<sup>6</sup> Each foreign carrier affiliate lacks a 50 percent market share in the international transport and local access markets on the foreign end of the route and therefore lacks market power.

- [AFR-IX TELECOM SL \(SPAIN AND PORTUGAL\)\(parent company\)](#)
- [AFR-IX TELECOM LTD \(GHANA\)](#)

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<sup>1</sup> 47 C.F.R. § 63.18(e)(1).

<sup>2</sup> 47 C.F.R. § 63.18(e)(2).

<sup>3</sup> 47 C.F.R. § 63.18(e)(3).

<sup>4</sup> 47 C.F.R. §§ 63.21-63.23.

<sup>5</sup> 47 C.F.R. §1.1306.

<sup>6</sup> *See* <https://docs.fcc.gov/public/attachments/DA-07-233A1.pdf> (retrieved August 19, 2019). Applicant understands that under 47 C.F.R. §63.11 it has an obligation to notify the Commission of any new affiliations with a foreign carrier due to acquisitions by the Applicant or by its parent company of a controlling interest in a foreign carrier, or of an acquisition of an interest of more than 25% in the capital stock of the Applicant or its parent company by a foreign carrier.

Attachment #1

- AFR-IX DATA COMMUNICATIONS LTD (NIGERIA)
- AFRIX TELECOM LTD (SOUTH AFRICA)
- AFR-IX TELECOM LTD (UNITED KINGDOM)
- AFR-IX TELECOM SARL (SENEGAL)
- AFR-IX TELECOM SL (EQUATORIAL GUINEA)
- AFR-IX TELECOM LTD (UGANDA)
- MDATA TELECOM SARL (BURKINA FASO) (49% owned by AFR-IX TELECOM SL)
- COMTECH SARL (DEMOCRATIC REPUBLIC OF CONGO) (49% owned by AFR-IX TELECOM SL)
- SISCO TELECOM LTD (SIERRA LEONE) (49% owned by AFR-IX TELECOM SL)

None of these foreign carrier affiliates have a 50 percent market share in the international transport and the local access markets in their respective foreign country communications services markets. Accordingly, AFRIX is entitled to a presumptive Commission classification of it being non-dominant in its provision of international communications services on routes to the countries served by these foreign Carrier affiliates. *See*, 47 C.F.R. § 63.10(a)(3).

(j) Response to Question 12: The Applicant certifies that it seeks to provide international telecommunications services to each of the above countries served either by AFRIX's parent company, AFR-IX Telecom S.L., or served by a sister subsidiary of AFRIX owned by AFR-IX Telecom S.L.

Response to Question 13: The Applicant seeks authority to provide service to other destinations, not excluded by the Commission, in addition to those listed in response to Question 12, including to Mali and Niger. Other specific country destinations are unknown at this time. Accordingly, AFRIX seeks authority to provide service to all international points.

(k) Each of the countries referenced under paragraphs (i) and (j) is a member of the World Trade Organization ("WTO"), with the sole exception of Equatorial Guinea. Equatorial Guinea is an observer to the WTO. *See*, <https://www.state.gov/u-s-relations-with-equatorial-guinea/> (visited August 17, 2019). In Equatorial Guinea, AFR-IX Telecom S.L. is a niche operator offering data services to certain enterprise customers. As provided under Commission Rule 63.18(k), AFR-IX Telecom S.L. lacks a 50 percent market share in international transport facilities or services, including cable landing station access and backhaul facilities, intercity facilities or services, and local access facilities or services on the Equatorial Guinea end of international routes. Accordingly, under Commission Rule 63.10(a), it is presumed that AFR-IX Telecom S.L. lacks market power in Equatorial Guinea.<sup>7</sup>

(m) While the Applicant is affiliated with each of the foreign carriers listed under (i) above as fellow subsidiaries of AFR-IX Telecom S.L., none of these affiliated foreign carriers is an incumbent telecommunications or monopoly telecommunications provider in the country in

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<sup>7</sup> 47 C.F.R. §§ 63.10(a) and 63.18(k).

which it operates. Each of these foreign carrier affiliates lacks sufficient market power on the foreign end of the route to adversely affect competition in the U.S. market, as none of these foreign affiliated carriers have 50 percent market share in the international transport and the local access markets on the foreign end of the routes. Therefore, AFRIX Telecom LLC should presumptively be classified as non-dominant under Section 63.10(a)(3) of the Commission's Rules.<sup>8</sup>

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<sup>8</sup> 47 C.F.R. § 63.10(a)(3).