Categories of Services for 214 Applications (Streamline/Non-streamline)

		Desc			-	X									
		Description of Application:	SUBMARINE CABLE LANDING LICENSE	SPECIAL TEMPORARY AUTHORITY	PRO FORMA TRANSFER/ASSIGNMENT	ASSIGNMENT OF LICENSE	TRANSFER OF CONTROL	SWITCHED RESALE SERVICE	INTERNATIONAL SPECIAL PR	INMARSAT AND MOBILE SATELLITE	INTERCONNECTED PRIVATE LINE RESALE SERVICE	INDIVIDUAL FACILITIES-BASED SERVICE] LIMITED/GLOBAL FACILITIE] LIMITED/GLOBAL FACILITIES-BASED	LIMITED/GLOBAL RESALE
		1 Sul Kin	LICENSE	YTIS	ENMENT				PROJECT	ELLITE SERVICE	LINE RESALE SERVICE	ASED SERVICE	FACILITIES-BASED/RESALE SERVICE	ES-BASED SERVICE	SERVICE

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FAX (202) 424-7643
WWW.SWIDLAW.COM

THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NY 10174
(212) 973-0111 FAX (212) 891-9598

August 29, 2000

VIA MELLON BANK

Magalie Roman Salas, Secretary
Federal Communications Commission
International Bureau, Telecommunications Division
P.O. Box 358115
Pittsburgh, PA 15251-5115

RECEIVED
SEP 0 6 2000
Telecom Division
Telecom Division
International Bureau
International Bureau

Re: Application of DiGiPH PCS, Inc., Eliska Wireless Ventures License Subsidiary I, the Communications Act of 1934, as amended, to Assign Section 214 Authorization LLC, and Eliska Wireless Ventures I, Inc. for Authority Pursuant to Section 214 of

Dear Ms. Salas:

"Eliska" or "Joint Assignees"). As required by the Commission's Rules, a check in the amount of to assign the Section 214 authorization of DiGiPH PCS, Inc. ("DiGiPH" or "Assignor") to Eliska of requesting authority, pursuant to Section 214 of the Communications Act of 1934, as amended, Wireless Ventures License Subsidiary I, LLC and Eliska Wireless Ventures I, Inc. (collectively, \$780.00 is enclosed. Enclosed for filing with the Commission are an original and six (6) copies of an application

signatures to the Commission for association with this application as soon as possible application are being submitted with facsimile signatures. DiGiPH and Eliska will forward original Due to time exigencies, the applicant certificates attached to the enclosed assignment

the Joint Assignees to Jonathan Cohen at (202) 783-4141. the enclosed application, please contact the undersigned. Please direct any questions concerning addressed, stamped envelope. Should you have any questions regarding the Assignor's portion of Please date-stamp the extra copy of this application and return it in the enclosed self-

Very truly yours,

Rhyllis A. Whitten Jeanne W. Stockman

Enclosures

cc: Jonathan V. Cohen

READLINSTEUCTIONS CAREFULLY			APPROVED BY OMB 3000-055	8
(1) LOCKBOX # 358115	REMITTANCE ADVICE	CE ADVICE	SPECIAL USE	
	PAGE NO		1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	
	SECTION A - PAYE	PAYER INFORMATION		
(2) PAYER NAME (If paying by credit card, wher name stately as it appears on you Swidler Berlin Shereff Friedman LLP	.D b on your card)		(3) TOTAL AMOUNT PAID (dollars and \$780.00	and cents)
(4) STREET ADDRESS LINE NO. 1 3000 K Street, N.W.				
(8) STREET ADDRESS LIME NO. 2 Suite 300				
(®) CITY Washington		D.C.	(8) ZIP CYDE 20007-5116	
(9) DAYTIME TELEPHONE NUMBER (include area code) (202) 424-7500	rea code)	(10) COUNTRY CODE (if not in U.S.A.)		
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	SECTION B - APPLICANT INFORMATION	IT INFORMATION		
(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card) DIGiph PCS, Inc.	me exactly as it appears on your card)			
(12) STREET ADDRESS LINE NO. 1 851 South Beltline Highway, Suite 804	304	*		
(13) STREET ADDRESS LINE NO. 2				
Mobile		AL (DISTATE)	36606	
(17) DAYTIME TELEPHONE NUMBER (include area code) 334/450-2500		(18) COUNTRY CODE (if not in U.S.A.)		
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SEC	CTION D - TAXPAYER	INFORMATION	N (REQUIRED	D)
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-	SECTION E -	NE-CERTIFICATION		-
(27) CERTIFICATION STATEMENT I. Jeanne W. Stockman (PRINT NAME) The heat of my Certification and helief Signations The heat of my Certification and helief Signation and	SIGNATURE MANAGEMENT	, certify under penalty of perjury that the foregoing and supporting in	at the foregoing and supporting	information are true and correct to
		SECTION F - CREDIT CARD PAYMENT INFORMATION	ATION	
3	MASTERCARD/VISA ACCOUNT NUMBER:		EXPIRATION DATE:	
MASTERCARD		-	·	
VISA I hereby authorize the FCC to charge for the analysis althorization(s) here	e my VISA or MASTERCARD	AUTHORIZED SIGNATURE		DATE

VIDLER BERLIN SHEREFF FRIEDMAN, LLP 3000 K STREET, N.W. SUITE 300, WASHINGTON, DC 20007

CHECK NO.: D 124230

1	7	INVOICE AMOUNT	INVOICE DESCRIPTION	AMOUNT PAID
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CUSTOMER NO.				

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K STREET, N.W. SUITE 300
WASHINGTON, DC 20007

THE RESIDENCE OF THE PROPERTY OF THE PROPERTY

08/29/00

CHECK DATE

CHECK NO. D 124230

Citibank DC Operating 1775 Pennsylvania Avenue, NW Suite 440 Washington, DC 20006

780.00***** CHECK AMOUNT

SEVEN HUNDRED EIGHTY AND 00/100 Dollars

PAY TO THE ORDER OF

FCC

OPERATING ACCOUNT

TWO SIGNATURES REQUIRED ON CHECK

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Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

and to Assign Section 214 Authorization and Receive of the Communications Act of 1934, as amended, In the Application of Telecommunications Services Authority Global Resale International Application for Authority Pursuant to Section 214 Eliska Wireless Ventures I, Inc., Assignee Eliska Wireless Ventures License Subsidiary I, LLC DiGiPH PCS, Inc., Assignor

RECEIVED

SFP 0 6 2000

Telecom Division
International Bureau

File No. ITC-214-__

APPLICATION FOR ASSIGNMENT

international telecommunications services pursuant to Section 214 to all permissible points.¹ Section 214 authorization to Eliska. Commission's Rules, 47 C.F.R. § 63.18, hereby request approval for an assignment of DiGiPH's Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 214, and Section 63.18 of the (collectively, "Applicants"), by their undersigned counsel, and pursuant to Section 214 of the Subsidiary I, LLC and Eliska Wireless Ventures I, Inc. (collectively "Eliska" or "Assignee") DiGiPH PCS, Inc. ("DiGiPH" or "Assignor") and Eliska Wireless Ventures License DiGiPH currently holds authority to provide resold Eliska

See FCC File No. ITC-20000627-00370.

services, but has applied for such authority.2 does not currently have authority under Section 214 to provide international telecommunications

and expeditious grant is in the public interest.4 treatment of this application pursuant to Section 63.12(c)(1)(iv) of the Commission's Rules, 47 obtained international Section 214 authority to Eliska. Applicants respectfully request streamlined Commission staff, DiGiPH and Eliska hereby file the instant application to assign DiGiPH's recently for the subject international Section 214 authorization.3 Accordingly, pursuant to the advice of assignment application with the FCC for approval of this transaction, DiGiPH had not yet applied will purchase the assets and assume certain liabilities of DiGiPH. At the time the parties filed their corporate parents, have recently entered into an Asset Purchase Agreement whereby Eliska Ventures C.F.R. § 63.12(c)(1)(iv). As described below, this application is eligible for streamlined processing DiGiPH and Eliska Wireless Ventures I, Inc. ("Eliska Ventures"), along with certain

See FCC File No. ITC-20000801-00444.

that application is currently pending. See Public Notice, DA 00-1461 (rel. July 3, 2000). licenses currently held by DiGiPH to Eliska Wireless Ventures License Subsidiary I, LLC, and Eliska and DiGiPH have applied to the Commission for consent to assign broadband PCS

Order, 12 FCC Rcd. 23891, 24032 [] 322 (1997) ([]Foreign Participation Order[]); Streamlining the Regulations, Report and Order, FCC 99-51, IB Docket No. 98-118 (rel. Mar. 23, 1999), at 11 1 22: 12884, 12889 (1996) (\$\text{\textstyle Streamlining Order\texts\textstyle }\); 47 C.F.R. \$\textstyle \text{\textstyle 63.10, 63.12 (1998).}\$ Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Report and International 214 Authorization Process and Tariff Requirements, Report and Order, 11 FCC Rcd In re 1998 Biennial Regulatory Review 🏻 Review of International Common Carrier

is a wholly owned subsidiary of DigiPH Communication, Inc., a Delaware corporation, which is business office located at 851 South Beltline Highway, Suite 804, Mobile, AL 36606. Florida, and Mississippi.5 licenses from the FCC to provide broadband personal communications services in areas of Alabama. ultimately controlled by Millry Management Corporation, an Alabama corporation. DiGiPH holds DiGiPH PCS, Inc. is a corporation organized under the laws of Alabama with its principal **DiGiPH PCS**

to Eliska.6 Commission as part of the parties' application for assignment of DiGiPH's broadband PCS licenses any FCC licenses. Additional information concerning both DiGiPH and Eliska is on file with the Wireless Investors I, L.P., an Alabama limited partnership. None of these companies presently holds wholly owned subsidiary of Eliska Ventures, a Delaware corporation that is controlled by Eliska with principal business offices located at 28187 Burkart Drive, Orange Beach, AL 36561. It is a Eliska Wireless Ventures License Subsidiary I, LLC is a Delaware limited liability company

discontinued or interrupted. The Applicants hope to complete the proposed acquisition as quickly competitively-priced telecommunications services on a seamless closing of the proposed assignment, DiGiPH's customers will continue to receive high-quality, public interest benefits from Eliska's acquisition of the FCC licenses and assets of DiGiPH. Upon the processing of this application and grant the requested authority as soon as possible as possible to avoid unnecessary disruption to DiGiPH's operations or inconvenience to DiGiPH's existing customers. DiGiPH and Eliska respectfully submit that DiGiPH's customers will realize significant To that end, the Applicants respectfully request that the Commission expedite basis. Service will not be

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See Call Signs KNLF618 - KNLF625, inclusive.

. Information Required by Section 63.18

Pursuant to Section 63.18 of the Commission's Rules, 47 C.F.R. § 63.18, DiGiPH and Eliska

submit the following information:

(a) Names, addresses and telephone numbers:

Assignor: DiGiPH PCS, Inc.

851 South Beltline Highway, Suite 804

Mobile, AL 36606

Telephone: (334) 450-2500

Facsimile: (334) 450-0767

Assignee: Eliska Wireless Ventures License Subsidiary I, LLC and Eliska

Wireless Ventures I, Inc.

28187 Burkart Drive

Orange Beach, AL 36561

Facsimile: (334) 981-6043 Telephone: (334) 981-4043

DiGiPH PCS, Inc. is a corporation organized under the laws of

(b)

Assignor:

Alabama.

Assignee: liability company organized under the laws of Delaware. Eliska Wireless Ventures License Subsidiary I, LLC is a limited Eliska

Wireless Ventures I, Inc. is a Delaware corporation.

<u>O</u> Correspondence concerning this application should be sent to

For Assignor:

Swidler Berlin Shereff Friedman, LLP Jeanne W. Stockman Phyllis A. Whitten

3000 K Street, NW, Suite 300

Washington, DC 20007-5116

Telephone: Facsimile: (202) 424-7645 (202) 424-7500

and:

6

See FCC File No. 0000151639.

Dwain Kinard

DiGiPH PCS, Inc.

851 South Beltline Highway, Suite 804

Mobile, Alabama 36606

Telephone: (334) 450-2500 Facsimile: (334) 450-0767

For Assignee:

Jonathan V. Cohen Wilkinson Barker Knauer. LLP

2300 N Street, N.W., Suite 700

Washington, D.C. 20037

Telephone: (202) 783-4141 Facsimile: (202) 783-5851

(d) Assignor: points pursuant to FCC File No. ITC-20000627-00370. telecommunications services under Section 214 to all permissible DiGiPH IS. authorized to provide resold international

Assignee: application has qualified for streamlined processing under 47 C.F.R. points pursuant to § 63.12(c)(1)(iv) and is currently pending. telecommunications services under Section 214 to all permissible Eliska has filed an application to provide resold international FCC File No. 20000801-00444. Eliska's

- (e)(3)In this application, Applicants seek prior approval of a transaction that will constitute an assignment of the Section 214 authorization of DiGiPH to Eliska.
- (f) Not applicable.
- (g) Not applicable
- (F) consummation of the proposed transaction) is as follows: Information regarding Eliska's 10% or greater direct or indirect shareholders (as of

Direct Ownership of Assignee

Name: Eliska Wireless Ventures I, Inc.

Address: 28187 Burkart Dr.

Orange Beach, AL 36561

Citizenship: Delaware

Principal Business: Holding company

Percent Held: 100%, sole member of Eliska Wireless Ventures License

Subsidiary I, LLC

Name: Eliska Wireless Investors I, L.P.

Address: 28187 Burkart Dr. Orange Beach, AL 36561

Citizenship: Alabama

Principal Business: Holding company

Percent Held: 20% equity ownership, 60.1% voting interest in Eliska Wireless

Ventures I, Inc.

Name: Powertel, Inc.

Address: 1239 O.G. Skinner Dr.

West Point, GA 31833

Citizenship: Delaware

Principal Business: Wireless telecommunications

Percent Held: 49.9% equity ownership, 24.95% voting interest in Eliska Wireless

Ventures I, Inc.

Sonera Holding BV

Address: Rivium Quadrant 58

Capelle aan den IJssel, The Netherlands

Citizenship: Netherlands

Principal Business: Holding company

Percent Held: 30.1% equity ownership, 15.05% voting interest in Eliska Wireless

Ventures I, Inc.

(Note: 31.45% total ownership interest in Eliska including 2.7%

interest in Powertel, Inc.)

Indirect Ownership

Name: Eliska Wireless, Inc

Address: 28187 Burkart Dr.

Orange Beach, AL 36561

Citizenship: Delaware

Principal Business: Wireless telecommunications

Percent Held: General Partner in Eliska Wireless Investors I, L.P.

Name: The L.T. Hayles Trust (Jimmy Crook, Trustee)

Address: 208 S. Pensacola Ave.

Atmore, AL 36502

Citizenship: United States

Percent Held: Principal Business: Limited partner in Eliska Wireless Investors I, L.P.

Name: The J.R. Hayles Trust (Jimmy Crook, Trustee)

Address: 208 S. Pensacola Ave.

Atmore, AL 36502

Citizenship: United States

Principal Business: Trust

Percent Held: Limited partner in Eliska Wireless Investors I, L.P.

Name: SCANA Communications, Inc.

Address: 440 Knox Abbott Dr.

Suite 240

Cayce, SC 29033

Citizenship: South Carolina

Principal Business: Holding company

Percent Held: 28.1% ownership interest in Powertel

Name: ITC Holding Company, Inc.

Address: Valley, AL 36854 3300 20th Avenue

Citizenship: Delaware

Principal Business: Holding company

Percent Held: 21.3% ownership interest in Powertel

Name: Sonera Corporation

Address: Teollisuuskatu 15

00550 Helsinki

Finland

Citizenship: Finland

Principal Business: Telecommunications

Percent Held: 100% of Sonera Holding BV

Name: Finnish Government

Address: Ministry of Transport and Communications

Etelaesplandi 16

00130 Helsinki

Finland Finland

Citizenship:

Principal Business: Government of Finland

Percent Held: 53.3% of Sonera Corporation

- Ξ a foreign carrier in Finland Eliska hereby certifies that, upon consummation, it will be affiliated with Sonera Oy,
- 9 telecommunications services to Finland, as well as to all permissible points. DiGiPH. With the assignment, Eliska certifies that it seeks to provide international Eliska seeks to acquire through assignment the Section 214 authorization of the
- K Eliska certifies that Finland is a WTO member country
- \odot switched services), and is therefore presumptively classified as non-dominant for the directly or indirectly through the resale of another U.S. resale carrier's international Commission's rules. Eliska will file the quarterly traffic reports required by Section 43.61(c) of the provision of such service pursuant to Section 63.10(a)(4) of the Commission's rules. unaffiliated U.S. facilities-based carriers' international switched services (either Eliska will provide service on the U.S. – Finland route solely through the resale of
- (m) See response to item (l) above.
- (H) on the foreign end of the route and will not enter into such agreements in the future. indirectly from any foreign carrier where the foreign carrier possesses market power Eliska certifies that it has not agreed to accept special concessions directly or
- 0 Abuse Act of 1988. not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Rules (implementing the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 3301), that it is Eliska certifies, pursuant to Sections 1.2001 through 1.2003 of the Commission's
- **(b)** destination markets are WTO market countries. dominance under Section 63.10(a)(4) of the rules, and all of the relevant affiliated Eliska qualifies for streamlined processing pursuant to Section 63.12(c)(1)(iv) of the Commission's rules. As discussed herein, Eliska qualifies for a presumption of non-

CONCLUSION

convenience, and necessity would be furthered by a grant of this Application for Assignment. For the reasons stated above, Eliska and DiGiPH respectfully submit that the public interest,

Respectfully submitted,

DiGiPH PCS, Inc.

Phyllis A. Whitten

Jéanne W. Stockman

Swidler Berlin Shereff Friedman, LLP

3000 K Street, NW, Suite 300

Washington, DC 20007-5116

Telephone: (202) 424-7500

Facsimile: (202) 424-7643

Counsel to DiGiPH PCS, Inc.

Eliska Wireless Ventures License Subsidiary I, LLC and Eliska Wireless Ventures I, Inc.

Jonathan V. Cohen SIL

Wilkinson Barker Knauer, LLP

2300 N Street, Suite 700

Washington, DC 20037

Facsimile: (202) 783-5851 Telephone: (202) 783-4141

Counsel to Eliska Wireless Ventures License Subsidiary I, LLC and Eliska Wireless Ventures I,

Dated: August 27 , 2000

CERTIFICATION OF ASSIGNOR

Inc. in the foregoing Application for Assignment of Section 214 authority are true, complete, and correct to the best of my knowledge and are made in good faith. On behalf of DiGiPH PCS, Inc., I hereby certify that the statements regarding DiGiPH PCS,

DiGIPH PCS, INC.

By:

Name:

Title:

Date:

CERTIFICATION OF ASSIGNEE

foregoing Application for Assignment of Section 214 authority are true, complete, and Ventures I, Inc., I hereby certify that the statements regarding the Assignee in the correct to the best of my knowledge and are made in good faith. On behalf of Eliska Wireless Ventures License Subsidiary I, LLC and Eliska Wireless

ELISKA WIRELESS VENTURES LICENSE SUBSIDIARY I, LLC and ELISKA WIRELESS VENTURES

NO.

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Ву:

James O. Hayles, Jr.

Sole Member of Eliska Wireless Ventures License Offief Executive Officer of Eliska Wireless Ventures I, Inc.

Subsidiary I, LLC

Date: