



# PUBLIC NOTICE

Federal Communications Commission  
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DA 02-2851

October 28, 2002

**APPLICATION OF PCCW ENTERPRISES LIMITED, PCCW PACIFIC (US) INC., AND  
BEYOND THE NETWORK, INC., TO MODIFY REGULATORY CLASSIFICATION FROM  
DOMINANT TO NON-DOMINANT ON SPECIFIC ROUTES**

**Pleading Cycle Established  
ITC-MOD-20020829-00511**

**Comments/Petitions Due: December 2, 2002  
Responses/Oppositions Due: December 16, 2002**

PCCW Enterprises Limited (PCCW Enterprises) and its wholly-owned subsidiaries, PCCW Pacific (US) Inc. (PCCW Pacific) and Beyond the Network, Inc. (BTN) (collectively, "Petitioners") have filed a petition to modify their status from dominant to non-dominant for the provision of international services on sixteen routes. Specifically, Petitioners seek to modify their status to non-dominant between the United States and each of the following destination countries: Antigua, Barbados, China, Dominica, Fiji, Grenada, Jamaica, Macao, Maldives, Panama, Russia, Solomon Islands, St. Kitts & Nevis, St. Lucia, St. Vincent, and Trinidad and Tobago.

Petitioners argue that they should be re-classified as non-dominant on each of these routes because Petitioners no longer have an affiliation with any carrier in the destination countries.<sup>1</sup> According to Petitioners, their status as dominant carriers on these routes reflects the foreign carrier affiliations of a former parent company that no longer holds a controlling or 25% interest in the Petitioners.<sup>2</sup>

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<sup>1</sup> Pursuant to section 63.13 of the Commission rules, 47 C.F.R. § 63.13, a carrier that seeks to modify its regulatory status from dominant to non-dominant on a particular route must provide information to demonstrate that it qualifies for non-dominant classification under section 63.10 of the Commission rules, 47 C.F.R. § 63.10.

<sup>2</sup> Petitioners allege that PCCW Enterprises is the ultimate successor-in-interest to the Section 214 authorizations originally held by Cable and Wireless HKT Pacific Ltd. ("CWHKTP"). At the time CWHKTP was granted its authorizations, Cable and Wireless plc ("C&W") owned a controlling interest in CWHKTP, as well as a 25 percent or controlling interest in the incumbent foreign carrier in each

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **December 2, 2002**, and reply comments on or before **December 16, 2002**. Any filings should reference the file number of this proceeding. **An original and four copies** of all pleadings must be filed in accordance with Section 1.51(c) of the Commission's rules, 47 C.F.R. § 1.51(c).

**If filed by hand delivery**, the Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

**If filed by mail, the following procedures should be followed: Commercial Overnight Mail** (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. **U.S. Postal Service first-class mail, Express Mail, and Priority Mail** should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

**In addition, one copy of each pleading must be sent to each of the following:**

The Commission's duplicating contractor, Qualex International, 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: 202 863-2893.

- (1) George Li, Policy Division, International Bureau, 445 12<sup>th</sup> Street, S.W., Room 6-A761, Washington, D.C. 20554; e-mail: gli@fcc.gov;
- (2) Claudia Fox, Policy Division, International Bureau, 445 12<sup>th</sup> Street, S.W., Room 6-A848, Washington, D.C. 20554; e-mail: cfox@fcc.gov;
- (3) David Strickland, Policy Division, International Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C848, Washington, D.C. 20554; e-mail: dstrickl@fcc.gov.

Copies of the Applications to Modify Regulatory Classification and any subsequently filed documents in this matter are available for inspection and duplication during regular business hours in the FCC Office of Public Affairs Reference and Information Center, 445 12<sup>th</sup> Street, S.W., room CY-A257, Washington, D.C. 20554. Copies also may be obtained from Qualex International, 445 12<sup>th</sup> Street, S.W., room CY-B402, Washington, D.C. 20554, (202) 863-2893.

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country. However, in August 2000, C&W sold its controlling interest in CWHKTP's parent company to Pacific Century CyberWorks Limited, and therefore C&W's interest in CWHKTP dropped to a non-controlling level under 25 percent.

This is a “permit but disclose” proceeding for purposes of the Commission’s *ex parte* rules. *See generally* 47 C.F.R. §§ 1.1200-1.1216. As a “permit but disclose” proceeding, *ex parte* presentations will be governed by the procedures set forth in section 1.1206 of the Commission’s rules applicable to non-restricted proceedings, 47 C.F.R. § 1.1206. Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 C.F.R. § 1.1205(b)(2). Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.

For further information, contact David Strickland, International Bureau, at (202) 418-1460.