

Attachment 1 to Request for Special Temporary Authority

Answer to Question 10: Justification of need for special temporary authority requested.

Phonetime, Inc. (“Phonetime”), Symphony Holdings, Inc. (“SHI”) and Symphony Telecommunications, LLC (“Telecom”) hereby request to **extend** the Special Temporary Authority pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214 (the “Act”), to continue operating under the authority granted by the Commission under Section 214 of the Act in File No. ITC-214-20041201-00472 E. The Applicants have previously submitted a Section 214 Application pursuant to Section 63.24(e) of the Commission’s Rules, 47 C.F.R. § 63.24(e) in File No. ITC-T/C-20080206-00088. This request for Special Temporary Authority is required because the underlying transfer described in the Section 214 Transfer of Control Application has closed, prior to receipt of permission from the Commission. Special Temporary Authority should be granted because such a transfer will not occur again without prior Commission authority. In addition, the public interest is best served by authorizing the transfer and allowing the Applicants to provide high-quality, low-cost and efficient service to its customers.

The currently granted Special Temporary Authority expires on December 6, 2008. This application for an extension to the Special Temporary Authority pending the review of the underlying Section 214 application

Answer to Question 12:

- (i) As evidenced by the signature to this Application, Phonetime certifies that it is not affiliated with foreign carriers, as that term is defined by Section 63.09 of the Commission’s rules. Phonetime itself is a foreign carrier. Phonetime has a market share of less than 50 percent in the international transport and the local access markets in the markets in which they operate and therefore are presumptively non-dominant and lacking in market power.¹ The foreign carrier affiliates are set forth below:

<u>Destination Country</u>	<u>Foreign Carrier Affiliate</u>
None	None

- (j) As evidenced by the signatures to this Application, the Applicants certify that (i) Phonetime is a foreign carrier; (ii) Phonetime does not control any other foreign carriers; (iii) No entity that holds greater than 25 percent ownership interest in Phonetime controls any foreign carriers; and (iv) Phonetime does not seek to provide any international telecommunications services to any destination for which two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate, more than 25 percent of Phonetime (except as disclosed herein) or are parties to, or the beneficiaries of, a contractual relation affecting the

¹ See 47 C.F.R. §§ 1.767(k)(2), 63.12(c)(1), 63.10(a)(3).

provisions or marketing of international basic telecommunications services in the United States.

- (k) All the countries listed in (j) above are members of the World Trade Organization.
- (l) Each of the foreign carrier affiliates post-close holds less than 50 percent market share in the international transport and local access markets in their respective countries. Accordingly, these foreign carrier affiliates lack market power, and Phonetime is entitled to a presumption of non-dominant treatment.
- (m) See response to (l) above.

Answer to Question 16:

- (d) Symphony Telecommunications, LLC is authorized by the Commission in File No. ITC-214-20041201-00472 E, granted December 3, 2004 to provide international telecommunications services on a global or limited global facilities-based and resale basis. Phonetime does not currently hold Section 214 authority.
- (e)(3) N/A
- (g) N/A