

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
KVH Services LLC	)	File No.
	)	
Application for Special Temporary	)	
Authority to Offer International Services	)	
Pursuant to Section 214 of the	)	
Communications Act of 1934, as Amended	)	

**ATTACHMENT 1**

**REQUEST FOR SPECIAL TEMPORARY AUTHORITY**

KVH Services LLC (“KVH Services”) by its attorneys, hereby requests Special Temporary Authority (“STA”) to temporarily provide international telecommunications services and to operate pursuant to 47 U.S.C. § 214, as amended (herein called the “STA Request”), while its Section 214 application is being contemporaneously sought by the Federal Communications Commission (“Commission”) for permanent authority pursuant to Section 214 of the Communications Act of 1934, as amended and codified under 47 U.S.C. § 214 et. al. (The “Act”).

**BACKGROUND**

KVH Services is a Delaware limited liability company seeking to provide international private line data services to end user customers within the United States and internationally. KVH Services is submitting this STA request contemporaneously with its international Section 214 application to operate pursuant to the Act in an expedited manner. KVH Services is a U.S. company whose ultimate majority owners are well-established U.S. companies and members of

the Fidelity Group companies, although the direct parent company of KVH Services is a Japanese foreign carrier. KVH Services is seeking Section 214 authority at this time to provide valuable data communications to U.S. businesses and to promote competition in the international telecommunications services market. Additionally, the business plans of KVH Services require moving forward quickly with the launch of U.S. services in order to more effectively serve its global client base.

### **REQUEST FOR SPECIAL AUTHORITY**

KVH Services hereby requests an STA to temporarily provide international telecommunications services and to operate pursuant to the Section 214 of the Act for the interim period that the application for a grant of permanent authority may take to be properly reviewed by the Commission. Alternatively, KVH Services requests an STA for a six-month period, which may be extended by further petition if the application for a grant of permanent authority is still being reviewed at that time. KVH Services recognizes that Section 214(a) of the Act prohibits any carrier from constructing, extending, or operating any line, and from engaging in transmission through any such line “unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, extension or operation of the line.”<sup>1</sup> KVH Services recognizes that it must obtain Section 214 authority prior to the provision of international telecommunication services to the public. As such, KVH Services is exerting an affirmative effort to comply with the Act and the Commission’s rules by seeking this STA.

As stated above, the ultimate majority owners of KVH Services are highly respected U.S. companies and members of the Fidelity Group companies. However, KVH Services recognizes that, due to its direct ownership by a Japanese foreign carrier, the international Section 214

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<sup>1</sup> 47 U.S.C. § 214(a).

application may be referred to the Executive Branch for review prior to the Commission's approval for KVH Services to begin operations pursuant to the Act. KVH Services further recognizes that the Executive Branch's review process is not streamlined and may continue for a significant period continuing well into 2011. To that end, KVH Services believes that granting an STA, while permanent authority is sought contemporaneously through its international Section 214 application, is appropriate and necessary to ensure that KVH Services is able to promptly and effectively meet the demands of its new and existing clients with operations in the United States and sustain entry in the U.S. market.

Additionally, KVH Services recognizes that an application to the Commission pursuant to 46 C.F.R. §63.18 requires that "any party seeking authority pursuant to Section 214 ...for the provision of common carrier communications services between the United States, its territories or possessions, and a foreign point shall request such authority by formal application."<sup>2</sup> By making an STA request through this formal application, KVH Services acknowledges that its foreign ownership may result in consultation by the Commission and Executive Branch agencies with respect to national security, law enforcement, foreign policy and trade issues that are unique to the provision of international service under Team Telecom Review.<sup>3</sup>

### **IMPACT STATEMENT**

The grant of this STA Request will serve the public interest, convenience and necessity because such grant will permit KVH Services to provide regulated services to new and existing global customers who are basing their business decisions on KVH Services for their telecommunication needs.

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<sup>2</sup> 47 C.F.R. §63.18.

<sup>33</sup> See 1998 International Biennial Review Order, 14 FCCRcd at 4914-15 ¶14; PCIA Forebearance Order, 13 FCCRcd. At 16882 ¶50.

KVH Services acknowledges that the grant of this STA Request will not prejudice any action the Commission may take on the underlying application that seeks Commission approval for permanent authority to operate pursuant to the Section 214 of the Act. KVH further acknowledges that the grant of STA may be revoked by the Commission upon its own motion without hearing.

### **CONCLUSION**

For the above reasons, KVH respectfully requests that the Commission grant it an STA to provide international telecommunications services described in the STA application until such time as the Commission acts upon KVH's formal application for permanent authority pursuant to the Act or, alternatively, a six-month period that may be extended by further STA application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'J. Hernandez', is positioned above the typed name.

Janet Hernandez  
TMG Legal, Inc.

Counsel for KVH Services LLC

cc: Peter Butterfield, KVH Services LLC  
Sid Weeks, KVH Services LLC

## DECLARATION OF PETER BUTTERFIELD

I, Peter Butterfield, hereby declare that:

1. I am the Assistant Secretary of KVH Services LLC.
2. I am authorized to make this Declaration on behalf of KVH Services LLC.
3. The contents of the foregoing request for Special Temporary Authority are true and correct to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 1<sup>st</sup> day of November 2010.



Peter Butterfield  
Peter Butterfield  
Assistant Secretary  
KVH Services LLC

## **Response to question 12**

- (i) Through its direct parent company, KVH Co., Ltd., a Japanese company, KVH Services LLC is affiliated with foreign carriers in Japan (KVH Co., Ltd., the 100% owner of KVH) and Singapore (KVH (Singapore) Pte. Ltd., which is 100% owned by KVH Co., Ltd. Through one of its indirect parent companies, FMR LLC (a Delaware limited liability company), KVH is affiliated with COLT Telecom Group S.A. (“COLT”), a Luxembourg holding company of operating foreign carrier entities in several European countries, namely the United Kingdom, Germany, France, Switzerland, Italy, Spain, The Netherlands, Belgium, Austria, Sweden, Denmark, Norway, Portugal, Ireland and Finland. FMR LLC owns approximately 35% of the equity of COLT.
- (j) KVH Services LLC certifies it seeks to provide international telecommunications services to between the United States and all international points, including Japan, the United Kingdom, Germany, France, Switzerland, Italy, Spain, The Netherlands, Belgium, Austria, Sweden, Denmark, Norway, Portugal, Ireland and Finland.
- (k) Japan, the United Kingdom, Germany, France, Switzerland, Italy, Spain, The Netherlands, Belgium, Austria, Sweden, Denmark, Norway, Portugal, Ireland and Finland are all Members of the World Trade Organization.
- (l) KVH Services LLC submits that under Section 63.10(a)(3), 47 C.F.R. § 63.10(a)(3), none of its affiliated foreign carriers have market power in any of the countries in which they operate.
- (m) KVH Services LLC and its foreign carrier affiliates are new market entrants without market power in all countries in which they operate. As such, KVH Services LLC qualifies for non-dominant regulation for the provision of international telecommunications services to the countries in which it and its foreign carrier affiliates operate.

## **Response to question 13**

- (j) KVH Services LLC certifies it seeks authority to provide international telecommunications services between the United States and all international points, including the countries in which it has a foreign affiliation (i.e., Japan, United Kingdom, Germany, France, Switzerland, Italy, Spain, The Netherlands, Belgium, Austria, Sweden, Denmark, Norway, Portugal, Ireland and Finland).