

Question 10:

Ocean Technology Limited (“Ocean”) is a Japanese company. It is new to the Japanese market for VOIP and international wholesale services and has begun implementation of a business plan that involves providing services to and from the U.S. market in order to remain competitive in Japan, and to serve immigrant Japanese communities in the United States. Without the ability to originate or terminate calls in the U.S., Ocean will be uncompetitive and will lose the small market share it has presently in Japan. Ocean’s competitors are terminating calls in the U.S., and Ocean has discovered this feature is critical to its success.

Ocean applied for the international section 214 authorization from the FCC and its application has been sent to Team Telecom for review. Based on the experience of its counsel, Ocean’s application will likely be under review at various agencies of Team Telecom for about 12 months. It is estimated that Ocean will be ready to launch within the next two weeks and is counting on the FCC 214 license to provide international services as soon as possible.

If Ocean is unable to launch its services within a few weeks, it will likely not be able to retain the employees hired to manage and implement the U.S. launch. Ocean will also lose market share to competitors and its entire investment and business could be jeopardized. In the competitive and dynamic market for international VOIP services, weeks are critical and a year-long wait would mean the end of Ocean’s business.

Ocean acknowledges that grant of a Special Temporary Authority (STA) will not prejudice any action the Commission may take on the underlying application seeking an international Section 214 authorization. Ocean further acknowledges that the STA can be revoked by the Commission upon its own motion without a hearing.

Question 12:

**63.18(i)** – Ocean hereby certifies that it is licensed as a foreign carrier in Japan.

**63.18(j)** – Ocean hereby certifies that it seeks to provide international telecommunications services to Japan, where it is licensed as a foreign carrier.

**63.18(k)** – Japan is a member of the WTO. In addition, Ocean lacks market power in Japan. Japan has less than 1% of the market for telecommunications services and access lines in Japan.

**63.18(l)** – Ocean desires the authority to resell the international switched services of an unaffiliated U.S. carrier on the routes to Japan. Accordingly, pursuant to Section 63.10(a)(3), Ocean hereby certifies that Ocean is not a monopoly provider in Japan. Ocean further submits the following information to demonstrate that Japan does not have sufficient market power on the foreign end of the routes to the countries specified above to adversely affect competition in the U.S. market: Ocean has less than 1% of the market for telecommunications services and access lines in Japan.

**63.18(m)** – Ocean desires to be classified as non-dominant. Ocean submits that the information set forth above for Section 63.18(l) demonstrates that it is presumptively non-dominant under Section 63.10(a)(3) of the Commission's Rules.

Question 13:

Ocean hereby certifies that it seeks to provide international telecommunications services to Japan, where it is licensed as a foreign carrier.

Question 16:

(d) Ocean has not received authority previously under Section 214 of the Communications Act.

(e) Ocean certifies that it will comply with the terms and conditions contained in sections 63.21, 63.22 and 63.23 of the Commission's rules.

(f) At this time, Ocean seeks no other authorization available under Section 63.18(e).

(g) Not applicable.