

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

- LIMITED/GLOBAL RESALE SERVICE
- LIMITED/GLOBAL FACILITIES-BASED SERVICE
- LIMITED/GLOBAL FACILITIES-BASED/RESALE SERVICE
- INDIVIDUAL FACILITIES-BASED SERVICE
- INTERCONNECTED PRIVATE LINE RESALE SERVICE
- INMARSAT AND MOBILE SATELLITE SERVICE
- INTERNATIONAL SPECIAL PROJECT
- SWITCHED RESALE SERVICE
- TRANSFER OF CONTROL
- ASSIGNMENT OF LICENSE
- PRO FORMA TRANSFER/ASSIGNMENT
- SPECIAL TEMPORARY AUTHORITY
- SUBMARINE CABLE LANDING LICENSE

PM 7/14

EMSE

Description of Application: \_\_\_\_\_

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CLIFFORD  
CHANGE  
ROGERS & WELLS

CLIFFORD CHANGE  
ROGERS & WELLS LLP

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June 27, 2000

RECEIVED

JUN 27 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

By Messenger

Ms. Magalie Roman Salas  
Secretary, Federal Communications Commission  
*International Bureau*  
445 12th St. SW  
Washington DC 20554

Re: **Joint Section 214 Application and Notifications**  
**Stentor plc and nevada tele.com Limited**

Dear Ms. Salas:

On June 16, 2000, we filed the above referenced application and notifications on behalf of Stentor plc and nevada tele.com Limited using facsimile copies of the attached signature pages, which we now submit in their original form.

Please contact the undersigned if you have any questions.

Sincerely,



George Kleinfield  
*Attorney for Stentor plc and*  
*nevada tele.com Limited*

Enclosures

CLIFFORD  
CHANCE  
ROGERS & WELLS

FCC/MELLON

JUN 16 2000

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June 15, 2000

By *Federal Express*

Ms. Magalie Roman Salas  
Secretary, Federal Communications Commission  
*International Bureau*  
c/o Mellon Bank  
Three Mellon Bank Center  
525 William Penn Way  
27<sup>th</sup> floor, room 153-2713  
Pittsburgh, PA 15259-0001

Attention: Wholesale Lock box Shift Supervisor

Re: **Joint Section 214 Application and Notifications**  
**Stentor plc and nevada tele.com Limited**

Dear Ms. Salas:

On behalf of applicants Stentor plc and nevada tele.com Limited, the enclosed application and notifications are filed under Section 214 of the Communications Act of 1934, 47 U.S.C. § 214, and Sections 63.10, 63.11, 63.12 and 63.18 of the Commission's Rules, 47 C.F.R. §§ 63.10-12, 63.18. The applicants seek authorization to transfer control of the Section 214 authorization currently held by Stentor Corporation from Stentor plc to nevada tele.com Limited. The applicants also hereby notify the Commission that as a result of the transfer of control, certain affiliates of applicants that currently hold Section 214 authorizations will become newly affiliated with certain foreign non-dominant carriers.

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ROGERS & WELLS LLP

Page 2

An original and five copies of this submission are enclosed, accompanied by a completed Form 159 and a check payable to the Commission in the amount of \$780. Also enclosed is a separate acknowledgement copy for date-stamping and return to the undersigned counsel for applicants.

Respectfully submitted



George Kleinfeld



READ INSTRUCTIONS CAREFULLY

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB

3060-0589

BEFORE PROCEEDING

358115

REMITTANCE ADVICE

PAGE NO. 1 OF 1

SPECIAL USE  
FCC USE ONLY

(1) LOCKBOX #

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)  
Clifford Chance Rogers & Wells

(3) TOTAL AMOUNT PAID (dollars and cents)  
\$ 780.00

(4) STREET ADDRESS LINE NO. 1  
607 14th Street, NW

(5) STREET ADDRESS LINE NO. 2

(6) CITY  
Washington

(7) STATE  
DC

(8) ZIP CODE  
20005

(9) DAYTIME TELEPHONE NUMBER (include area code)  
202-434-0865

(10) COUNTRY CODE (if not in U.S.A.)  
USA

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B  
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)  
nevada tele.com Limited

(12) STREET ADDRESS LINE NO. 1  
120 Malone Road

(13) STREET ADDRESS LINE NO. 2

(14) CITY  
Belfast BT9 5HT

(15) STATE

(16) ZIP CODE

(17) DAYTIME TELEPHONE NUMBER (include area code)  
011-44-2890-720400

(18) COUNTRY CODE (if not in U.S.A.)  
NORTHERN IRELAND

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

SECTION C - PAYMENT INFORMATION

(19A) FCC CALL SIGN/OTHER ID  
C U T  
(20A) PAYMENT TYPE CODE (PTC)  
1  
(22A) FEE DUE FOR (PTC) IN BLOCK 20A  
\$ 780.00  
(24A) FCC CODE 2

(19B) FCC CALL SIGN/OTHER ID  
(20B) PAYMENT TYPE CODE (PTC)  
(22B) FEE DUE FOR (PTC) IN BLOCK 20B  
FCC USE ONLY

(23B) FCC CODE 1  
(24B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID  
(20C) PAYMENT TYPE CODE (PTC)  
(22C) FEE DUE FOR (PTC) IN BLOCK 20C  
FCC USE ONLY

(23C) FCC CODE 1  
(24C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID  
(20D) PAYMENT TYPE CODE (PTC)  
(22D) FEE DUE FOR (PTC) IN BLOCK 20D  
FCC USE ONLY

(23D) FCC CODE 1  
(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN  
1 3 - 5 5 5 3 6 6 4

(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-T IS DIFFERENT FROM PAYER NAME IN A-2  
APPLICANT TIN  
N O N E

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT  
I, George Kleinfeld, Certify under penalty of perjury that the foregoing and supporting information  
(PRINT NAME)

are true and correct to the best of my knowledge, information and belief. SIGNATURE *George Kleinfeld*

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28) MASTERCARD/VISA ACCOUNT NUMBER  
EXPIRATION DATE: MONTH YEAR

(29) VISA  
I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s) authorization(s) herein described.  
AUTHORIZED SIGNATURE: *George Kleinfeld*  
DATE: MONTH YEAR

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)

ORIGINAL

**ATTACHMENT TO FORM 159**

nevada tele.com Limited is a foreign company and therefore does not have a United States federal taxpayer identification number.



**CLIFFORD CHANCE  
ROGERS & WELLS LLP**

607 FOURTEENTH STREET N.W. WASHINGTON, D.C. 20005-2018

15-7011/2540

12401

CITIBANK, F.S.B  
WASHINGTON, DC 20006

VENDOR NO.

CHECK DATE

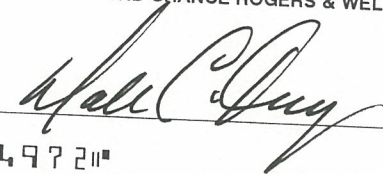
42329

5/22/00

PAY Seven hundred eighty and 00/100 - - - - - DOLLARS \$ 780.00

TO THE  
ORDER OF FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC

CLIFFORD CHANCE ROGERS & WELLS LLP



PARTNER

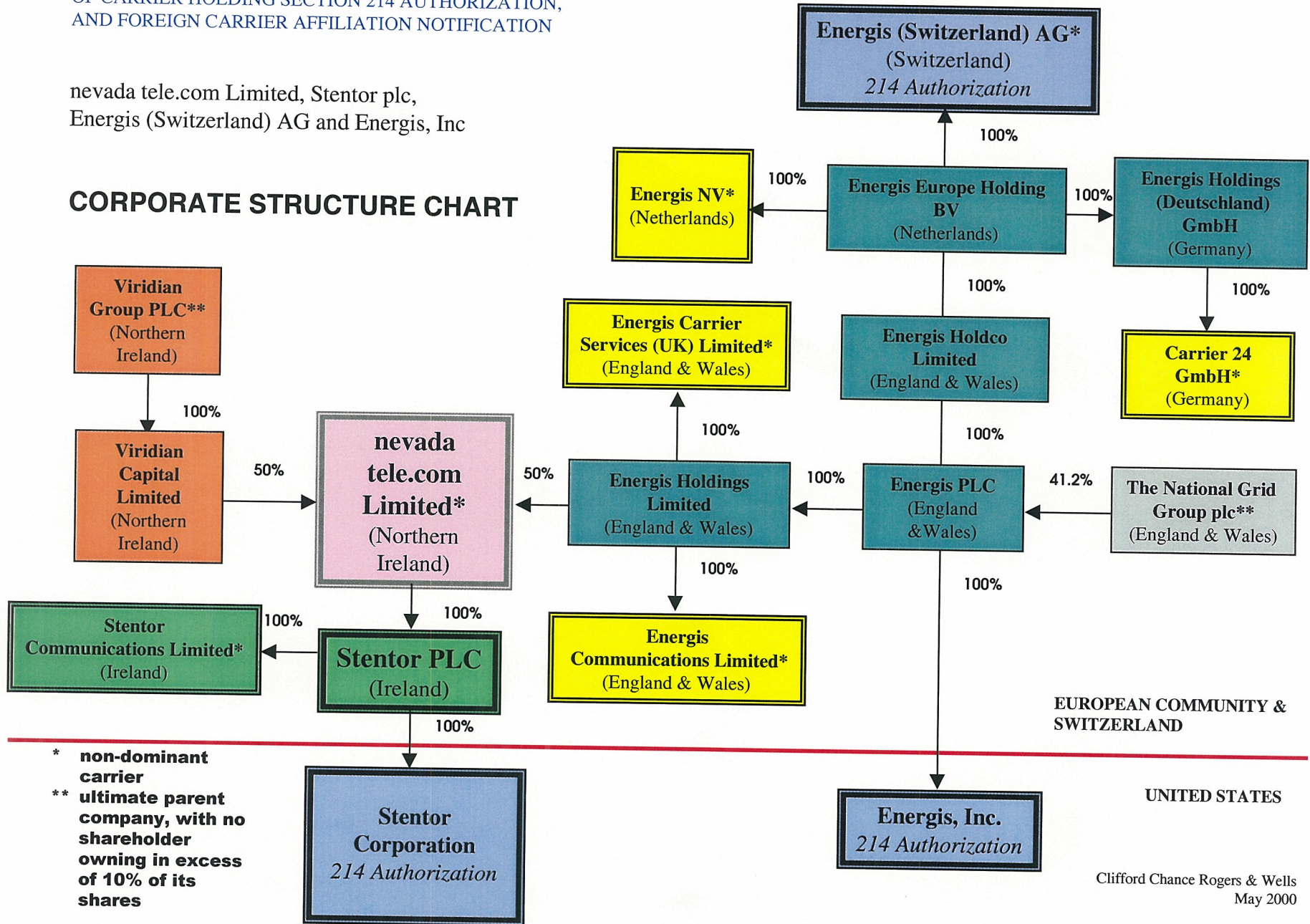
⑈012401⑈ ⑆254070116⑆

⑈3700 4972⑈

APPLICATION FOR APPROVAL TO TRANSFER OF CONTROL  
OF CARRIER HOLDING SECTION 214 AUTHORIZATION,  
AND FOREIGN CARRIER AFFILIATION NOTIFICATION

nevada tele.com Limited, Stentor plc,  
Energis (Switzerland) AG and Energis, Inc

**CORPORATE STRUCTURE CHART**



\* non-dominant carrier  
\*\* ultimate parent company, with no shareholder owning in excess of 10% of its shares



Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554

In the Matter of )  
 )  
STENTOR CORPORATION )  
ENERGIS (SWITZERLAND) AG ) FCC File No ITC-\_\_\_\_\_  
ENERGIS, INC )  
 )  
Application for Approval of Transfer of Control )  
and Foreign Carrier Affiliation Notification )

**APPLICATION FOR APPROVAL TO TRANSFER OF CONTROL OF CARRIER  
HOLDING SECTION 214 AUTHORIZATION, AND FOREIGN CARRIER  
AFFILIATION NOTIFICATION**

**1. APPLICATION**

Pursuant to Section 214 of the Communications Act of 1934, 47 U.S.C. § 214 and Sections 63.10, 63.11, 63.12 and 63.18 of the Commission's Rules, 47 C.F.R. §§ 63.10-12, 63.18, Stentor plc and nevada tele.com Limited hereby respectfully request the authorization to transfer control of the international Section 214 authorization held by Stentor Corporation from Stentor plc to nevada tele.com Limited. By this application, Stentor plc and nevada tele.com Limited also formally notify the Commission that as a result of the transfer of control the two affiliates of nevada tele.com that currently hold Section 214 authorizations, Energis (Switzerland) AG and Energis, Inc., will become newly affiliated with a foreign carrier, Stentor Communications Limited, that is a subsidiary of Stentor plc. The

Section 214 authorized carrier Stentor Corporation will also become newly affiliated with the foreign carriers Carrier24 GmbH, Energis Communications Limited, Energis NV, and Energis (Switzerland) AG, all affiliates of nevada tele.com Limited.

2. **THE PARTIES**

The transferor, Stentor plc, is a public limited company limited by shares organized under the laws of Ireland. It is an international facilities telecommunications operator, providing voice and data telecommunications services through its wholly owned subsidiaries. The subsidiaries are the licensed telecommunications operator Stentor Communications Limited, a company organized under the laws of Ireland, and Stentor Corporation, a Section 214 authorized international carrier organized under the laws of the State of Florida.

The transferee, nevada tele.com Limited, is a private limited company limited by shares organized under the laws of Northern Ireland. It is a telecommunications operator providing a comprehensive voice and data telecommunications service to business customers in Northern Ireland. nevada tele.com Limited is a joint venture vehicle, which is owned in equal shares by Viridian Capital Limited, a general holding company organized under the laws of Northern Ireland, and Energis Holdings Limited, a general holding company organized under the laws of England and Wales. Viridian Capital Limited is a wholly owned subsidiary of Viridian Group plc, a public electricity utility company organized under the laws of Northern Ireland. Energis Holdings Limited is wholly owned by Energis plc, a public telecommunications company organized under the laws of England and Wales.



Energis Holdings Limited has a number of subsidiaries, including Energis Communications Limited and Energis Carrier Services (UK) Limited, both telecommunications operators organized under the laws of England and Wales and authorized to provide telecommunications services in the United Kingdom.

Energis plc also owns directly or indirectly 100% of the telecommunications operators Carrier24 GmbH, Energis NV, Energis (Switzerland) AG and Energis, Inc., which together are authorized to operate in Austria, France, Germany, Luxembourg, Ireland, Italy, Spain, Sweden, Switzerland, The Netherlands, the United Kingdom and the United States.

Energis NV and Energis (Switzerland) AG are owned by Energis Europe Holding BV, a company organized in The Netherlands, which is owned by Energis Holdco Limited, a company organized in England and Wales. Carrier 24 GmbH is owned by Energis Holdings (Deutschland) GmbH, a company organized in Germany. Energis Holdings (Deutschland) GmbH is owned by Energis Europe Holding BV. Energis, Inc. is owned by Energis plc.

Stentor Corporation holds a Section 214 authorization to provide international basic switched and private line telecommunications services on a resale basis, by an Order adopted on October 8, 1997 under File Number ITC-97-079.

Energis (Switzerland) AG, formerly Unisource Carrier Services AG, holds a global Section 214 authorization to provide international telecommunications services on a resale and facilities basis, under File Number ITC-214-19981020-00735. The change

of name from Unisource Carrier Services AG to Energis (Switzerland) AG was notified to the Commission by a letter dated December 2, 1999.

Energis, Inc., formerly Unisource Carrier Services USA, Inc., holds Section 214 authorizations to provide international telecommunications services on a resale and facilities basis between the U.S. and (i) the U.K., ITC-214-19970512-00263; (ii) Sweden, ITC-214-19970512-00267; (iii) countries in which it has no affiliates, ITC-214-19970512-00262 (facilities based) and ITC-214-19970512-00264 (resale); (iv) The Netherlands, ITC-214-19970731-00443; (v) countries in which it has non-shareholder affiliates, ITC-214-19971215-00788; and (vi) Switzerland, ITC-214-19981020-00735. The change of name from Unisource Carrier Services USA, Inc. to Energis, Inc. was notified to the Commission by a letter dated February 3, 2000.

A chart depicting the equity relationships between the transferor, transferee and their affiliates appears on the following page.

3. **PROPOSED TRANSACTION NARRATIVE**

On June 2, 2000, nevada tele.com Limited, a telecommunications operator in Northern Ireland, issued an offer document setting out the terms of its public offers (the "Offer") to purchase the entire issued and to be issued share capital of Stentor plc, an Irish registered telecommunications company listed on the Alternative Investment Market in London. The Offer will be governed by Irish law and subject to the jurisdiction of the courts of Ireland. The first closing date of the Offer is June 23, 2000, however, it is likely that this will be extended so that all necessary regulatory clearances can be obtained.

4. **PUBLIC INTEREST CONSIDERATIONS**

Stentor plc and nevada tele.com Limited respectfully submit that the Commission's approval of this request for transfer of control will serve the public interest, convenience and necessity. This transaction involves no disruption of service to any customer of Stentor Corporation. Stentor Corporation provides international services between the U.S. and Ireland only. The affiliation of Stentor Corporation with the Energis plc foreign carriers, or the affiliation of Energis (Switzerland) AG and Energis, Inc. with Stentor Communications Limited, will not effect a reduction to present or potential U.S. competitive opportunities and will instead facilitate the provision of services between and among non-dominant carriers in the United States and Western Europe.



5. **INFORMATION REQUIRED BY COMMISSION RULES 47 C.F.R. § 68.18**

5.1 **Stentor plc (transferor)**

*(a) The name, address, and telephone number of each applicant;*

Name: Stentor plc

Address: Hogan Place, Grand Canal Street, Dublin 2, Ireland

Telephone: 00 353 1608 7300

*(b) The Government, State, or Territory under the laws of which each corporate or partnership applicant is organized;*

Stentor plc is organized under the laws of Ireland. Its date of incorporation was December 14, 1995. Its company number is 242245.

*(c) The name, title, post office address, and telephone number of the officer and any other contact point, such as legal counsel, to whom correspondence concerning the application is to be addressed;*

Legal Counsel: George Kleinfeld

Clifford Chance Roger & Wells LLP  
607 Fourteenth Street, N.W.,  
Washington, D.C. 20005-2018  
Tel: 202 434 0865  
Fax: 202 434 0800

*(d) A statement as to whether the applicant has previously received authority under Section 214 of the Act and, if so, a general description of the categories of facilities and services authorized (i.e., authorized to provide international switched services on a facilities basis);*

Stentor plc does not hold a Section 214 authorization. However, its subsidiary, Stentor Corporation holds a Section 214 authorization to provide international basic switched and private line telecommunications services on a resale basis, by an Order adopted on October 8, 1997 under File Number TTC-97-079.

5.2 **nevada tele.com Limited (transferee)**

*(a) The name, address, and telephone number of each applicant;*

Name: nevada tele.com Limited

Address: 120 Malone Road, Belfast BT9 5HT, Northern Ireland.

Telephone: 00 44 2890 720400

*(b) The Government, State, or Territory under the laws of which each corporate or partnership applicant is organized;*

nevada tele.com Limited is a company registered in Northern Ireland, with company number NI035793, and was incorporated on March 9, 1999.

*(c) The name, title, post office address, and telephone number of the officer and any other contact point, such as legal counsel, to whom correspondence concerning the application is to be addressed;*

Legal Counsel: George Kleinfeld

Clifford Chance Roger & Wells LLP

607 Fourteenth Street, N.W.,

Washington, D.C. 20005-2018

Tel: 202 434 0865

Fax: 202 434 0800

*(d) A statement as to whether the applicant has previously received authority under Section 214 of the Act and, if so, a general description of the categories of facilities and services authorized (i.e., authorized to provide international switched services on a facilities basis);*

nevada tele.com Limited does not have any authorizations granted pursuant to

Section 214 of the Act.

*(h) The name, address, citizenship and principal businesses of any person or entity that directly or indirectly owns at least ten percent of the equity of the applicant, and the percentage of equity owned by each of those entities (to the nearest one percent). The applicant shall also identify any interlocking directorates with a foreign carrier.*

nevada tele.com Limited is a joint venture company limited by shares. The following companies have greater than or equal to 10% direct or indirect ownership of the equity in nevada tele.com Limited:

(1) **Energis Holdings Limited**

Country of Origin: United Kingdom (England and Wales)  
Company Number: 03649524  
Address: Carmelite, 50 Victoria Embankment, London EC4Y 0DE  
Business: General holding company  
Ownership: 50% direct in nevada tele.com Limited (50% indirect in Stentor Corporation)

(2) **Viridian Capital Limited**

Country of Origin: United Kingdom (Northern Ireland)  
Company Number: NI032456  
Address: 120, Malone Road, Belfast BT9 5HT  
Business: General holding company  
Ownership: 50% direct in nevada tele.com Limited (50% indirect in Stentor Corporation)

(3) **Energis plc**

Country of Origin: United Kingdom (England and Wales)  
Company Number: 03438871  
Address: Carmelite, 50 Victoria Embankment, London EC4Y 0DE



Business: Telecommunications  
Ownership: 50% indirect in nevada tele.com Limited (50% indirect in Stentor Corporation)

(4) **Viridian Group plc**

Country of Origin: United Kingdom (Northern Ireland)  
Company Number: NI033250  
Address: 120, Malone Road, Belfast BT9 5HT  
Business: Electric utility company  
Ownership: 50% indirect in nevada tele.com Limited (50% indirect in Stentor Corporation)

(5) **The National Grid Group plc**

Country of Origin: United Kingdom (England and Wales)  
Company Number: 02367004  
Address: National Grid House, Kirby Corner Road,  
Coventry CV4 8JY  
Business: Public electricity transmission services  
Ownership: Approximately 41% of Energis plc, giving approximately 21% indirect in nevada tele.com Limited (21% indirect in Stentor Corporation)

*(i) A certification as to whether or not the applicant is, or is affiliated with, a foreign carrier. The certification shall state with specificity each foreign country in which the applicant is, or is affiliated with, a foreign carrier.*

The applicants certify that they are affiliated with foreign carriers. As illustrated by the chart on page 5 of this application, and as hereby certified, the following affiliates are foreign carriers in the stated foreign countries:

- (1) nevada tele.com Limited is a foreign carrier operating in Northern Ireland;

- (2) Stentor Communications Limited is an affiliated foreign carrier of Stentor Corporation in Ireland;
- (3) Energis (Switzerland) AG will be an affiliated foreign carrier operating in Austria, France, Germany, Ireland, Italy, Spain, Sweden, Switzerland, The Netherlands, the United Kingdom and the United States. Energis (Switzerland) AG is the wholly-owned subsidiary of Energis plc through the intermediary companies Energis Holdco Limited and Energis Europe Holding BV;
- (4) Carrier24 GmbH, a German wholly owned subsidiary of Energis plc through the intermediary companies Energis Holdco Limited, Energis Europe Holding BV and Energis Holdings (Deutschland) GmbH, will be an affiliated foreign carrier operating in Austria, Germany, Luxembourg and Switzerland;
- (5) Energis NV, a Dutch wholly owned subsidiary of Energis plc through the intermediary companies Energis Holdco Limited and Energis Europe Holding BV, will be an affiliated foreign carrier operating in The Netherlands;
- (6) Energis Communications Limited, an English wholly owned subsidiary of Energis Holdings Limited, will be an affiliated foreign carrier operating in the United Kingdom; and

(7) Energis Carrier Services (UK) Limited, an English wholly owned subsidiary of Energis Holdings Limited, will be an affiliated foreign carrier operating in the United Kingdom.

*(j) A certification as to whether or not the applicant seeks to provide international telecommunications services to any destination country for which any of the following is true. The certification shall state with specificity the foreign carriers and destination countries:*

*(1) The applicant is a foreign carrier in that country; or*

*(2) The applicant controls a foreign carrier in that country; or*

*(3) Any entity that owns more than 25 percent of the applicant, or that controls the applicant, controls a foreign carrier in that country.*

*(4) Two or more foreign carriers (or parties that control foreign carriers) own, in the aggregate, more than 25 percent of the applicant and are parties to, or the beneficiaries of, a contractual relation (e.g., a joint venture or market alliance) affecting the provision or marketing of international basic telecommunications services in the United States.*

It is certified as follows:

(1) nevada tele.com Limited does not seek to provide international telecommunications services to a country in which it is a foreign carrier, or in which it controls a foreign carrier;

(2) as a result of the proposed transaction, nevada tele.com Limited will be the indirect owner of 100% of Stentor Communications Limited and Stentor Corporation. Stentor Communications Limited provides international telecommunications services in Ireland. Stentor Corporation provides telecommunications services on a resale basis between the United States and Ireland;



- (3) Energis plc, the indirect owner of 50% of nevada tele.com Limited, controls the following foreign carriers:
- (1) Carrier24 GmbH;
  - (2) Energis NV;
  - (3) Energis Communications Limited; and
  - (4) Energis Carrier Services (UK) Limited;
- (4) none of these foreign carriers provides international telecommunications services in Ireland. They serve other markets within the European Union and Switzerland; and
- (5) Energis plc, the indirect owner of 50% of nevada tele.com Limited, controls the Section 214 authorized affiliates Energis (Switzerland) AG and Energis, Inc. The destination countries of these Section 214 authorized affiliates are Austria, France, Germany, Ireland, Italy, Spain, Sweden, Switzerland, The Netherlands, the United Kingdom and the United States.

*(k) For any destination country listed by the applicant in response to paragraph (j), the applicant shall make one of the following showings:*

*(1) The named foreign country (i.e., the destination foreign country) is a Member of the World Trade Organization;*

It is certified that each of the destination countries listed for foreign carrier affiliates in answer to question (j) above is a member of the World Trade Organization.

*(1) Any applicant that proposes to resell the international switched services of an unaffiliated U.S. carrier for the purpose of providing international telecommunications services to a country where it is a foreign carrier or is affiliated with a foreign carrier shall either provide a showing that would satisfy § 63.10(a)(3) or state that it will file the quarterly traffic reports required by § 43.61(c) of this chapter.*

nevada tele.com Limited will through Stentor Communications Limited resell international switched services to countries in which its affiliated foreign carriers Carrier24 GmbH, Energis Carrier Services (UK) Limited, Energis Communications Limited, Energis NV and Energis (Switzerland) AG operate. nevada tele.com will through Stentor Corporation resell international switched services to Ireland, a country in which its affiliated foreign carrier Stentor Communications Limited operates.

Pursuant to Section 63.10(a)(3), 47 C.F.R. § 63.10(a)(3), nevada tele.com Limited states that:

- (1) Carrier24 GmbH has less than 50% market share in the international transport and local access markets in Austria, Germany, Luxembourg and Switzerland;
- (2) Energis (Switzerland) AG has less than 50% market share in the international transport and local access markets in Austria, France, Germany, Ireland, Italy, Spain, Sweden, Switzerland, The Netherlands and the U.K.;
- (3) Energis Carrier Services (UK) Limited has less than 50% market share in the international transport and local access markets in the U.K.;

- (4) Energis Communications Limited has less than 50% market share in the international transport and local access markets in the U.K.;
- (5) Energis NV has less than 50% market share in the international transport and local access markets in The Netherlands;
- (6) Stentor Communications Limited has less than 50% market share in the international transport and local access markets in Ireland; and
- (7) no combination of the foreign carriers listed in paragraphs (1) to (6) above have greater than 50% of the market share in the international transport and local access markets in any country in which they operate.

*(m) With respect to regulatory classification under § 63.10, any applicant that is or is affiliated with a foreign carrier in a country listed in response to paragraph (i) and that desires to be regulated as non-dominant for the provision of particular international telecommunications services to that country should provide information in its application to demonstrate that it qualifies for non-dominant classification pursuant to § 63.10.*

Stentor Corporation will acquire affiliations with the Energis plc subsidiaries, none of whom are monopoly providers of international transport facilities or services, inter-city facilities or services, or local access facilities or services, in their countries of operation. As shown in answer to question (l) above, none of these foreign carriers have sufficient market power to be able to affect competition in the United States; and as each, or relevant combinations of each, lack 50% of the market share in international transport and the local access markets in their countries of operation, all of them can be presumed to be non-dominant.



*(n) A certification that the applicant has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses market power on the foreign end of the route and will not enter into such agreements in the future.*

It is certified that neither nevada tele.com Limited nor Stentor plc have agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses market power on the foreign end of the route, and that neither will enter into such agreements in the future.

*(o) A certification pursuant to §§ 1.2001 through 1.2003 of this chapter that no party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. See 21 U.S.C. 853a.*

It is certified that neither nevada tele.com Limited nor Stentor plc are subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

*(p) If the applicant desires streamlined processing pursuant to § 63.12, a statement of how the application qualifies for streamlined processing.*

Streamlined processing is requested and is applicable under Section 63.12 of the Commission's Rules, 47 C.F.R. § 63.12.

As a result of the proposed transfer of control, Stentor Corporation will be newly affiliated, through the applicants Stentor plc and nevada tele.com Limited, with Energis plc subsidiaries that are foreign carriers. As shown in answer to question (l) above, none of these foreign carriers are dominant in the countries in which they operate. Stentor plc and nevada tele.com Limited will therefore fall within Section 63.12(c)(1)(ii) of the Commission's Rules, 47 C.F.R. § 63.12(c)(1)(ii), as each of

these foreign carriers are non-dominant in accordance with Section 63.10(a)(3) of the Commission's Rules, 47 C.F.R. § 63.10(a)(3). In addition, the Commission has previously determined that Stentor Communications Limited is a non-dominant foreign carrier in Ireland, so that the exception at Section 63.12(c)(1)(i) of the Commission's Rules, 47 C.F.R. § 63.12(c)(1)(i), applies to Stentor Communications Limited.

6. **NOTIFICATION OF FOREIGN CARRIER AFFILIATION - STENTOR CORPORATION**

Stentor Corporation hereby notifies the Commission that as a result of the transfer of control, it will become affiliated with Energis plc, which owns indirectly 100% of the foreign carriers Carrier24 GmbH, Energis NV, Energis Communications Limited and Energis Carrier Services (UK) Limited. Energis plc also owns indirectly 100% of the Section 214 authorized foreign carrier Energis (Switzerland) AG and the Section 214 authorized U.S. carrier Energis, Inc.

Pursuant to Section 63.11(c) of the Commission Rules, 47 C.F.R. § 63.11(c), the foreign carrier details of the Stentor Corporation affiliates are as follows:

- (1) Carrier24 GmbH is authorized to provide public telecommunications services in Austria, Germany, Luxembourg and Switzerland, which are World Trade Organization members. It has less than 50% share of the international transport and local access markets in Austria, Germany, Luxembourg and Switzerland;

- (2) Energis NV is authorized to provide public telecommunications services in The Netherlands, which is a World Trade Organization member. It has less than 50% share of the international transport and local access markets in The Netherlands;
- (3) Energis Carrier Services (UK) Limited is authorized to provide public telecommunications services in the U.K., which is a World Trade Organization member. It has less than 50% share of the international transport and local access markets in the U.K.;
- (4) Energis Communications Limited is authorized to provide public telecommunications services in the U.K., which is a World Trade Organization member. It has less than 50% share of the international transport and local access markets in the U.K.;
- (5) Energis (Switzerland) AG is authorized to provide public telecommunications services in Austria, France, Germany, Ireland, Italy, Spain, Sweden, Switzerland, The Netherlands, the United Kingdom and the United States, which are World Trade Organization members. It has less than 50% share of the international transport and local access markets in Austria, France, Germany, Ireland, Italy, Spain, Sweden, Switzerland, The Netherlands, the United Kingdom and the United States. Energis (Switzerland) AG holds a global Section 214 authorization to provide international telecommunications services on a resale and facilities basis, under File Number TTC-214-19981020-00735;



(6) Stentor Corporation does not provide international switched services to Austria, France, Germany, Ireland, Italy, Spain, Sweden, Switzerland, The Netherlands, and the United Kingdom solely through the resale of the international switched services of unaffiliated U.S. facilities-based carriers;

(7) Stentor Corporation certifies that the information in paragraphs (1) to (6) above is correct.

Stentor Corporation agrees not to accept special concessions either directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses market power on the foreign end of the route and will not enter into such agreements in the future. Stentor Corporation requests that it retain its status as non-dominant on the Ireland route, as none of the above affiliated foreign carriers, either solely or in combination, have more than 50% market share in the international transport and local access markets in Ireland.

It is certified that Stentor Corporation is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

The information provided in sections 1 through 5 of this application, including the chart on page 5, are incorporated fully in the notification provided under this section 6.

7. **NOTIFICATION OF FOREIGN CARRIER AFFILIATION –  
ENERGIS (SWITZERLAND) AG AND ENERGIS, INC**

Energis (Switzerland) AG and Energis, Inc. hereby notify the Commission that as a result of the transfer of control, they will become affiliated with Stentor plc, which owns 100% of the foreign carrier Stentor Communications Limited.

Pursuant to Section 63.11(c) of the Commission Rules, 47 C.F.R. § 63.11(c), the foreign carrier details of the Energis (Switzerland) AG and Energis, Inc. affiliates are as follows:

- (1) Stentor Communications Limited is authorized to provide public telecommunications services in the United Kingdom and Ireland, which are World Trade Organization members. It has less than 50% share of the international transport and local access markets in the United Kingdom and Ireland. Energis (Switzerland) AG holds a global Section 214 authorization to provide international telecommunications services on a resale and facilities basis, under File Number TTC-214-19981020-00735. Energis, Inc. holds Section 214 authorizations to provide international telecommunications services on a resale and facilities basis between the United States and (i) the United Kingdom, TTC-214-19970512-00263; (ii) countries in which it has no affiliates, TTC-214-19970512-00262 (facilities based) and TTC-214-19970512-00264 (resale); and (iii) countries in which it has non-shareholder affiliates, TTC-214-19971215-00788;

(2) Energis (Switzerland) AG and Energis, Inc. do not provide international switched services to the United Kingdom or Ireland solely through the resale of the international switched services of unaffiliated U.S. facilities-based carriers; and

(3) Energis (Switzerland) AG and Energis, Inc. certify that the information in paragraphs (1) and (2) above is correct.

Energis (Switzerland) AG and Energis, Inc. agree not to accept special concessions either directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses market power on the foreign end of the route and will not enter into such agreements in the future. Energis (Switzerland) AG and Energis, Inc. request that they retain their status as non-dominant on the Austria, France, Germany, Ireland, Italy, Spain, Sweden, Switzerland, The Netherlands and the United Kingdom routes, as Stentor Communications Limited does not have more than 50% market share in the international transport and local access markets in any of the relevant national markets.

It is certified that neither Energis (Switzerland) AG nor Energis, Inc. are subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

The information provided in sections 1 through 5 of this application, including the chart on page 5, are incorporated fully in the notification provided under this section

7.



8. **LEGAL COUNSEL CERTIFICATE**


As counsel for Stentor plc, nevada tele.com Limited, Energis (Switzerland) AG and Energis, Inc., we certify pursuant to Section 1.743, 47 C.F.R. § 1.743, that the officers of these companies are out of the country, and based upon conversations with these companies, we believe the information in this Application to be true. Faxed copies of the officers' signatures are attached, and original signatures will be filed shortly.



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June 15, 2000

Respectfully submitted by:

  
\_\_\_\_\_

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Tel: 00 353 1608 7300

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Respectfully submitted by:

  
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[Print Name] Paul F.O'Brien

[Office] Resumes

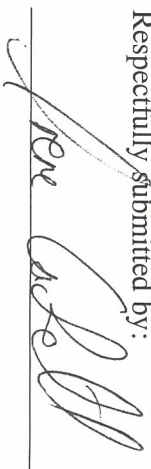
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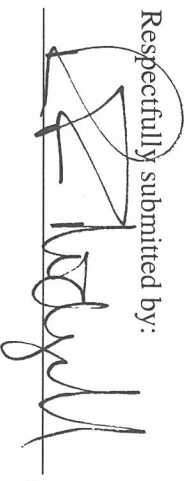


[Ray Ridgwell] \_\_\_\_\_

[Managing Director] \_\_\_\_\_

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[Managing Director] \_\_\_\_\_

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*Gene Caldwell*

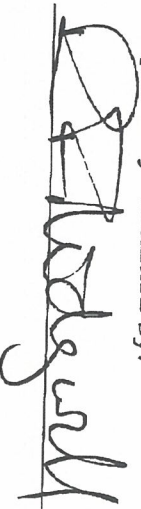
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Energis (Switzerland) AG

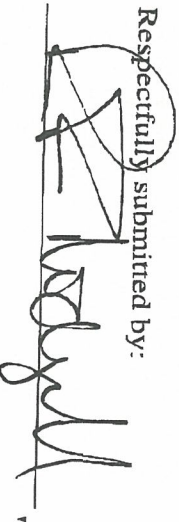
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