

## Attachment 1

### APPLICATION FOR TRANSFER OF CONTROL OF INTERNATIONAL SECTION 214 AUTHORIZATIONS

Pursuant to Section 214 of the Communications Act of 1934, as amended, (“the Act”), 47 U.S.C. § 214, and Section 63.24 of the Commission’s rules, 47 C.F.R. § 63.24, MCV Guam Holding Corp. (“MCVGH”) and DOCOMO Guam Holdings, Inc. (“DOCOMO Guam”) request Commission consent to the transfer of control of the international Section 214 authorizations held by Guam Cable Group, Inc., a wholly owned subsidiary of MCVGH, to DOCOMO Guam.

#### **Answer to Question 10 - Section 63.18(c)-(d):**

#### ***Transferor Information (MCV Guam Holding Corp.):***

##### Contact Information:

MCV Guam Holding Corp.  
497 Harmon Loop Road  
Dededo, GU 96929

With a copy to:

John King  
LAW OFFICE OF JOHN WELLS KING, PLLC  
9016 Tropical Bend Circle  
Jacksonville, FL 32256-9192  
Tel: 904-647-9610  
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E-mail: john@jwkinglaw.com

##### International Section 214 Authorizations:

MCVGH does not hold any international Section 214 authorizations. Guam Cable Group, Inc., a wholly owned subsidiary of MCVGH, holds the international Section 214 authorizations that are the subject of this application, File Nos. ITC-214-19910624-00006 (authority to resell the switched message telephone services of existing common carriers to provide international switched services between the U.S. mainland, Guam and various overseas points); ITC-214-19921211-00121 (authority to lease circuits from Comsat); ITC-214-19950613-00022 (authority to Acquire and Operate Capacity on the TPC-5 Cable system); ITC-214-19960730-00354, (global facilities-based and resale services); ITC-214-20030404-00169 (global facilities-based and resale services).

***Transferee Information (DOCOMO Guam Holdings, Inc.):***

Contact Information:

DOCOMO Guam Holdings, Inc.  
c/o NTT DOCOMO, INC.  
1100 13th Street NW  
Suite 900  
Washington, DC 20005

With a copy to:

Carl Frank  
Wiley Rein LLP  
1776 K Street, NW  
Washington, DC 20006  
Tel: 202-719-7269  
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International Section 214 Authorizations:

DOCOMO Guam does not hold any international Section 214 authorizations. Wholly owned subsidiaries of DOCOMO Guam hold the following international Section 214 authorizations: (1) DOCOMO PACIFIC, INC., holds two international 214 authorizations to provide global facilities-based services, File No. ITC-214-20040517-00201, and global resale services, File No. ITC-214-19961120-00583<sup>1</sup>; and (2) NTT DOCOMO USA, INC. holds one international Section 214 authorization to provide global facilities-based and resale services, File No. ITC-214-20000507-00304.<sup>2</sup>

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<sup>1</sup> The Commission's International Bureau Filing System currently identifies Guam Cellular and Paging, Inc. as the licensee of authorization File No. ITC-214-19961120-00583. Guam Cellular and Paging, Inc. subsequently changed its name to DOCOMO PACIFIC. *See* Letter from James W. Hofman, II, General Counsel, DOCOMO PACIFIC, to Marlene H. Dortch, Secretary, Federal Communications Commission (Jan. 5, 2011).

<sup>2</sup> The Commission's International Bureau Filing System currently identifies Guam Wireless Telephone Company, LLC as the licensee of authorization File No. ITC-214-20000507-00304. This authorization, however, was assigned to Guam Cellular and Paging, Inc. on December 15, 2006. *See Applications of Guam Cellular and Paging, Inc. and DoCoMo Guam Holdings, Inc. and Applications of Guam Cellular and Paging, Inc. and Guam Wireless Telephone Company, LLC*, Memorandum Opinion and Order and Declaratory Ruling, 21 FCC Rcd 13580 (2006); *see also* Letter from Cheryl A. Tritt, Counsel to NTT DOCOMO, INC., to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 06-96 (Dec. 21, 2006) (consummation notice). Guam Cellular and Paging, Inc. subsequently changed its name to DOCOMO PACIFIC. *See* Letter from James W. Hofman, II, General Counsel, DOCOMO PACIFIC, to Marlene H. Dortch, Secretary, Federal Communications Commission (Jan. 5, 2011). In March 2011, this authorization was assigned from DOCOMO PACIFIC to NTT DOCOMO USA, INC. *See International Authorizations Granted*, Public Notice, Report No. TEL-01489, DA 11-544, File No. ITC-ASG-20110308-00062 (Mar. 24, 2011).

**Answer to Question 11 - Section 63.18(h):**

DOCOMO Guam is a corporation organized under the laws of Guam. The following entities hold a 10 percent or greater direct or indirect interest in transferee, DOCOMO Guam:

**Name:** NTT DOCOMO, INC. (“DOCOMO”)  
**Address:** 2-11-1 Nagata-cho, Chiyoda-ku  
Tokyo 100-6150, Japan  
**Citizenship:** Japan  
**Principal Business:** Mobile telecommunications and information services  
**Percentage Held:** 100% direct voting and equity interest in DOCOMO Guam

**Name:** NIPPON TELEGRAPH AND TELEPHONE CORPORATION (“NTT”)  
**Address:** 3-1, Otemachi 2-Chome, Chiyoda-ku  
Tokyo 100-8116, Japan  
**Citizenship:** Japan  
**Principal Business:** Ownership of shares and exercise of rights as shareholder of NTT group companies  
**Percentage Held:** 63.32% direct equity and 66.65% direct voting interest in NTT DOCOMO, INC. Other than NTT, no single entity holds more than approximately 2% of DOCOMO.

**Name:** Japan Ministry of Finance  
**Address:** 3-1-1 Kasumigaseki, Chiyoda-ku  
Tokyo 100-8940, Japan  
**Citizenship:** Japan  
**Principal Business:** Japanese government  
**Percentage Held:** 32.59% direct voting and equity interest in NTT

Except for the Ministry of Finance, ownership of NTT is widely dispersed. No other person or entity holds a ten percent or greater direct or indirect voting or equity interest in DOCOMO Guam.

**Answer to Question 12 - Section 63.18(h):**

Hajime Kii is a director and Chairman of DOCOMO Guam and also a director of Tata Teleservices Limited, a carrier in India. Masayuki Izumi is director and President of DOCOMO Guam and a director of Robi Axiata Limited, a carrier in Bangladesh.

Kazuto Tsubouchi, the Chief Financial Officer of DOCOMO, and Kiyohito Nagata, a director of DOCOMO also are directors of Tata Teleservices Limited.

**Answer to Question 13 - Narrative of Transfer of Control and Public Interest Statement:**

Please see Exhibit 1.

**Answer to Question 14 - Section 63.18(i):**

DOCOMO Guam certifies that it is not a foreign carrier, as that term is defined by Section 63.09 of the Commission’s rules, 47 C.F.R. § 63.09.

DOCOMO Guam is directly owned by DOCOMO, a mobile telecommunications carrier in Japan. In addition, through its indirect 63.32% ownership by NTT, DOCOMO Guam certifies that it is affiliated with the following foreign carriers:

<b>Name of the Affiliated Carrier</b>	<b>Locations in which carrier is authorized to provide telecommunications services to the public</b>
NTT Communications Corporation	Japan
NTT East Corporation	Japan
NTT West Corporation	Japan
Nippon Telecommunications Network Co., Ltd.	Japan
Robi Axiata Limited	Bangladesh
NTT Com Asia Ltd.	China
NTT Com Asia Network Systems (Guangzhou) Company Limited	China
HKNet Company Ltd.	China
HKNet Wireless Co. Ltd.	China
Tata Teleservices Limited	India
NTT Korea Co., Ltd.	Korea
NTT Taiwan Ltd.	Taiwan

**Answer to Question 15 - Section 63.18(j):**

DOCOMO Guam hereby certifies that it is not a foreign carrier in any destination market, and does not control a foreign carrier in any destination market.

DOCOMO Guam hereby certifies that it provides international telecommunications services to all of the destination markets identified in response to Question 14 above in which NTT controls a foreign carrier.

**Answer to Question 16 - Section 63.10:**

DOCOMO Guam seeks non-dominant classification on all routes in which NTT controls a foreign carrier, except the U.S.-Japan route, where NTT is considered dominant. Except for

the NTT's affiliates in Japan, all of the foreign carriers identified above lack 50 percent market share in the international transport and the local access markets in the destination markets where they provide services. None of these foreign carriers is listed on the Commission's List of Foreign Telecommunications Carriers That Are Presumed to Possess Market Power in Foreign Telecommunications Markets.<sup>3</sup>

The Commission has previously reviewed the following foreign carriers affiliated with NTT: NTT Communications Corporation, NTT Com Asia Ltd., NTT Com Asia Network Systems (Guangzhou) Company Limited, HKNet Company Ltd., HKNet Wireless Co. Ltd., NTT Korea Co., Ltd., and NTT Taiwan Ltd. After reviewing these carriers, the FCC found that NTT only is dominant on the U.S.-Japan route.<sup>4</sup> Consequently, these previously reviewed affiliates operating in countries other than Japan qualify for a presumption of non-dominance under Section 63.10(a)(3) of the Commission's Rules (47 C.F.R. § 63.10(a)(3)).

Robi Axiata Limited ("Robi") provides only mobile services in Bangladesh, a WTO member country. Robi lacks market power in Bangladesh and qualifies for a presumption of non-dominance under Section 63.10(a)(3) of the Commission's rules, 47 C.F.R. § 63.10(a)(3). The company does not control bottleneck facilities and has market shares under 50 percent in all relevant markets on the foreign end of the U.S.–Bangladesh route, including the international transport and local access markets. In addition, the Commission has determined that mobile wireless service providers lack sufficient market power to affect competition adversely in the U.S. market.<sup>5</sup>

Tata Teleservices Limited provides mobile services in India. Tata Teleservices Limited lacks market power in India and qualifies for a presumption of non-dominance under Section 63.10(a)(3) of the Commission's rules, 47 C.F.R. § 63.10(a)(3). The company does not control bottleneck facilities and has market shares under 50 percent in all relevant markets on the foreign end of the U.S.–India route, including the international transport and local access markets. In addition, the Commission has determined that mobile wireless service providers lack sufficient market power to affect competition adversely in the U.S. market.<sup>6</sup>

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<sup>3</sup> *The International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, DA 07-233 (Jan. 26, 2007).

<sup>4</sup> *See Actions Taken Under Cable Landing License Act*, Public Notice, Report No. SCL-00086, DA 09-1130, File No. SCL-MOD-20080714-00012 (June 5, 2009).

<sup>5</sup> *International Common Carrier Regulations – 1998 Biennial Regulatory Review*, Report and Order, 14 FCC Rcd 4909, 4922 (¶ 29) (1999).

<sup>6</sup> *Id.*

**Answer to Question 17 - Section 63.10(c)&(e):**

DOCOMO Guam is considered dominant with respect to the U.S.-Japan route and agrees to comply with the dominant carrier safeguards in Section 63.10(c) & (e) of the rules in the provision of international service between the United States and Japan.

**Answer to Question 18 - Section 63.18(k):**

Japan is a Member of the World Trade Organization.

**Answer to Question 20 - Section 63.18(p):**

Pursuant to Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, this application for transfer of control of international Section 214 authority qualifies for streamlined processing. As explained in response to Question 16 above, DOCOMO Guam is non-dominant on all routes other than the U.S.-Japan route. With respect to the U.S.-Japan route, DOCOMO Guam agrees to be classified as dominant and to comply with the dominant carrier safeguards contained in Section 63.10 of the Commission's rules, 47 C.F.R. § 63.10.