

ORIGINAL

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

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NEW YORK, NY 10022-9998
TELEPHONE (212) 758-9500
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March 4, 1999 ITC-TAO-19990304-00120

Grantations Division

MAR 15 1999

re: _____

authorized by: INTERNATIONAL APPEAL

Expires: Sept. 14, 1999

Troy Tanner
Signature Check, Policy & Facilities Bureau

Ms. Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
International Bureau
P.O. Box 358115
Pittsburgh, PA 15251-5115

Attention: Troy Tanner
International Bureau

Re: Request of Metromedia Fiber Network Services, Inc. for Special Temporary Authority

Dear Secretary Salas:

Metromedia Fiber Network Services, Inc. ("MFNS"), by its undersigned counsel, pursuant to Section 214 of the Communications Act of 1934, as amended, and Section 63.04 of the Commission's Rules, 47 C.F.R. § 63.04 (1998), hereby requests expedited Special Temporary Authority ("STA") to provide international telecommunications services between the United States and various international points for the urgent reasons set forth herein. Specifically, MFNS seeks such authority at the earliest feasible date in order to satisfy customer contracts to provide international telecommunications services pending grant of MFNS' Section 214 application for regular authority. MFNS seeks authority to provide the services described in its pending Section 214 application, a copy of which is attached hereto. In support of its request, MFNS incorporates by reference the information contained in the attached application.

By way of background, MFNS is a Delaware Corporation. MFNS is not "affiliated," as that term is defined by Part 63 of the Commission's Rules^{1/} with any foreign carrier that has sufficient market power to present a "significant potential impact on competition in the U.S. market for

^{1/} 47 C.F.R. §63.18(h) (1998).

COPY

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March 4, 1999

FCC/MELTON **MAR 04 1999**
NEW YORK OFFICE
875 THIRD AVENUE
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TELEPHONE (212) 758-9500
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VIA COURIER

Streamlined ITC-TAO-19990304-00120
METROMEDIA FIBER NETWORK SERVICES, INC.

Ms. Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
International Bureau
P. O. Box 358115
Pittsburgh, PA 15251-5115

Attention: Troy Tanner
International Bureau

Re: Request of Metromedia Fiber Network Services, Inc. for Special Temporary Authority

Dear Secretary Salas:

Metromedia Fiber Network Services, Inc. ("MFNS"), by its undersigned counsel, pursuant to Section 214 of the Communications Act of 1934, as amended, and Section 63.04 of the Commission's Rules, 47 C.F.R. § 63.04 (1998), hereby requests expedited Special Temporary Authority ("STA") to provide international telecommunications services between the United States and various international points for the urgent reasons set forth herein. Specifically, MFNS seeks such authority at the earliest feasible date in order to satisfy customer contracts to provide international telecommunications services pending grant of MFNS' Section 214 application for regular authority. MFNS seeks authority to provide the services described in its pending Section 214 application, a copy of which is attached hereto. In support of its request, MFNS incorporates by reference the information contained in the attached application.

By way of background, MFNS is a Delaware Corporation. MFNS is not "affiliated," as that term is defined by Part 63 of the Commission's Rules^{1/} with any foreign carrier that has sufficient market power to present a "significant potential impact on competition in the U. S. market for

^{1/} 47 C.F.R. §63.18(h) (1998).

Ms. Magalie Roman Salas, Esq.
March 4, 1999
Page 2

international telecommunications services."²¹ Therefore, MFNS should be classified as a nondominant carrier for the provision of the services for which authority is requested.

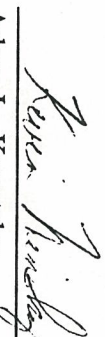
MFNS submits that the public interest would be served by a grant of this request pending Commission action on its Section 214 application. Grant of MFNS' request for facilities-based and resale authority to provide international services as requested in the attached application will directly further the Commission's policies of bringing increased competition to the U.S. international telecommunications services market and is therefore in the public interest. Grant of this STA will allow MFNS to begin competing immediately, pending grant of the attached 214 application. Accordingly, MFNS respectfully requests expeditious grant of a STA.

MFNS acknowledges that grant of this request will not prejudice action by the Commission on its Section 214 application and that any authority granted pursuant to this request is subject to cancellation or modification upon notice, but without a hearing.

As required by the Commission's rules, a filing fee in the amount of \$780.00 is included. Please direct any inquiries regarding this matter to the undersigned.

Respectfully submitted,

By:



Adam L. Kupetsky
Kevin D. Minsky
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
(202) 424-7500 (Tel)
(202) 424-7645 (Fax)

Counsel for
Metromedia Fiber Network Services, Inc.

Enclosures

²¹ *Rules and Policies of Foreign Market Participation in the U.S. Telecommunications Market*, IB Docket 97-142, *Report and Order on Reconsideration*, 12 FCC Rcd 23891 (1997)(*Foreign Market Participation Order*); *see also*, *Market Entry and Regulation of Foreign-Affiliated Entities, Report & Order*, 11 FCC Rcd 3875 (1995)(*Market Entry Order*).

CERTIFICATION OF APPLICANT

On behalf of Metromedia Fiber Network Services, Inc. ("MFNS"), and in accordance with Section 1.2001-1.2003 of the Commission's Rules, 47 C.F.R. §§ 1.2001-1.2003, I hereby certify that no party to this application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. See 21 U.S.C. § 853a. I also hereby certify that the statements in the foregoing application for Special Temporary Authority are true, complete, and correct to the best of my knowledge and are made in good faith.

MFNS has not agreed to accept any concessions, as defined by the Commission's Rules, directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flow between the United States and various international points under the authority granted under Section 214 of the Communications Act of 1934, as amended, and the Commission's Rules, and has not agreed to enter into such agreements in the future.

METROMEDIA FIBER NETWORK SERVICES, INC.

By: 

Name: Dennis E. Collins

Title: Vice President, Legal Affairs + Asst. Secretary

Date: 3/3/99

FILE STAMP AND RETURN

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

WASHINGTON OFFICE
3000 K STREET, NW, SUITE 300
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FEDERAL COMMUNICATIONS

FEB 18 1999

NEW YORK OFFICE
919 THIRD AVENUE
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TELEPHONE (212) 758-9500
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February 18, 1999

VIA COURIER

Magalie Roman Salas, Secretary
Federal Communications Commission
International Bureau - Telecommunications Division
P. O. Box 358115
Pittsburgh, PA 15251-5115
Attention: Diane Corell, Division Chief

Re: Application of Metromedia Fiber Network Services, Inc. for Section 214
International Global Facilities-Based Authority and Global Resale Authority

Dear Ms. Salas:

Enclosed for filing with the Federal Communications Commission ("Commission") are an original and six (6) copies of the application of Metromedia Fiber Network Services, Inc. pursuant to Section 214 of the Communications Act. Also, as required by the Commission's Rules, enclosed is a check in the amount of \$780.00, payable to the Commission.

Please date-stamp the extra copy of this application and return it in the enclosed self-addressed, stamped envelope. If you have any questions concerning this application, please do not hesitate to contact Kevin Minsky at (202) 945-6920.

Respectfully submitted,



Adam L. Kupetsky
Kevin D. Minsky

Counsel for Metromedia Fiber Network Services, Inc.

Enclosures

cc: Troy Tanner (FCC)
Dennis Codlin

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

APPROVED BY CMB

3060-0569

(1) LOCKBOX # 3 58115

PAGE NO. 1 OF 1

SPECIAL USE
FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

Swidler Berlin Shereff Friedman, LLP (Kevin D. Minsky)

(3) TOTAL AMOUNT PAID (dollars and cents)

\$ 780.00

(4) STREET ADDRESS LINE NO. 1

3000 K Street, N.W., Suite 300

(5) STREET ADDRESS LINE NO. 2

(6) CITY

Washington,

(7) STATE

D.C.

(8) ZIP CODE

20007

(9) DAYTIME TELEPHONE NUMBER (include area code)

(202) 945-6920

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

**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)

Metromedia Fiber Network Services, Inc.

(12) STREET ADDRESS LINE NO. 1

1 North Lexington Avenue

(13) STREET ADDRESS LINE NO. 2

(14) CITY

White Plains

(15) STATE

NY

(16) ZIP CODE

10601

(17) DAYTIME TELEPHONE NUMBER (include area code)

(914) 421-6700

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

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

(20A) PAYMENT TYPE CODE (PTC)

(21A) QUANTITY

(22A) FEE DUE FOR (PTC) IN BLOCK 20A

FCC USE ONLY

(23A) FCC CODE 1

C

U

T

1

\$ 780.00

(24A) FCC CODE 2

FCC USE ONLY

(19B) FCC CALL SIGN/OTHER ID

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22B) FEE DUE FOR (PTC) IN BLOCK 20B

FCC USE ONLY

(23B) FCC CODE 1

9

(24B) FCC CODE 2

FCC USE ONLY

(19C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 20C

FCC USE ONLY

(23C) FCC CODE 1

9

(24C) FCC CODE 2

FCC USE ONLY

(19D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 20D

FCC USE ONLY

(23D) FCC CODE 1

9

(24D) FCC CODE 2

FCC USE ONLY

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN

0 1 3 2 6 7 9 6 7 6

(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IS DIFFERENT FROM PAYER NAME IN A-2

APPLICANT TIN

0 1 3 3 9 8 2 8 3 6

(27) CERTIFICATION STATEMENT

I, Kevin D. Minsky
(PRINT NAME)

Certify under penalty of perjury that the foregoing and supporting information

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

Kevin Minsky

(28) MASTERCARD/VIISA ACCOUNT NUMBER

SECTION F - CREDIT CARD PAYMENT INFORMATION

EXPIRATION DATE:

MASTERCARD

MONTH YEAR

MONTH YEAR

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD
for the service(s)/authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

SEE PUBLIC BURDEN ESTIMATE ON REVERSE

FCC FORM 159 JULY 1997 (REVISED)

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

**METROMEDIA FIBER NETWORK SERVICES,
INC.**

Application for Global Authority Pursuant to
Section 214 of the Communications Act
of 1934, as amended, to Operate as an
International Facilities-Based and Resale Carrier
Between the United States and Various
International Points

File No. ITC-99-_____

APPLICATION

Metromedia Fiber Network Services, Inc. ("MFNS" or "Applicant"), by its undersigned counsel, hereby requests "global" authority, under Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.18 of the Commission's Rules, 47 C.F.R. § 63.18 (1997), to provide international telecommunications services between the United States and international points.

I. Summary

MFNS is a Delaware corporation planning to provide competitive international services as a nondominant, unaffiliated U.S. carrier. MFNS herein requests four types of authority, all of which are eligible for streamlined processing under Section 63.12 of the Commission's Rules, 47 C.F.R. § 63.12 (1997). MFNS respectfully requests: (1) global facilities-based authority, (2) global authority to resell international switched services of all U.S.-authorized carriers, (3) global authority to resell international private lines to provide international noninterconnected private line services,

and (4) authority to resell international private lines interconnected to the public switched network at one or both ends to provide international switched services on all international routes on which the Commission permits such services to be provided now and in the future.

MFNS believes that the added competition that its entry will bring to the market will benefit the consumers of U.S.-overseas services by, among other things, encouraging competitive pricing and creating more service options. Therefore, grant of this application serves the public interest.

II. Information Required under Section 63.18

As required by Section 63.18 of the Commission's Rules, MFNS submits the following information:

- (a) Name, address and telephone number of Applicant:
Metromedia Fiber Network Services, Inc.
1 North Lexington Avenue
White Plains, NY 10601
(914) 421-6700 (Tel.)
(914) 421-6777 (Fax)
- (b) Applicant is incorporated under the laws of the State of Delaware.
- (c) Correspondence concerning this application should be sent to:

Adam L. Kupetsky
Kevin D. Minsky
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500 (Tel.)
(202) 424-7645 (Fax)

with a copy to:

Dennis E. Codlin
Metromedia Fiber Network Services, Inc.
1 North Lexington Avenue
White Plains, NY 10601
(914) 421-6700 (Tel.)
(914) 421-6777 (Fax)

- (d) Upon grant of this Application, MFNS will become an authorized non-dominant facilities-based carrier and reseller with global authority, subject to Section 214 of the Communications Act of 1934, as amended, and the Commission's Rules. MFNS lacks the market power that would allow it to control prices to the detriment of market competition.
- (e) MFNS requests Section 214 authority to operate as a facilities-based carrier pursuant to the terms and conditions of Section 63.18(e)(1) and to operate as a resale carrier pursuant to the terms and conditions of Section 63.18(e)(2). Specifically, MFNS requests: (1) global facilities-based authority pursuant to Section 63.18(e)(1) of the FCC's Rules, 47 C.F.R. § 63.18(e)(1), to acquire interests in U.S.-authorized facilities as well as necessary connecting facilities to provide international telecommunications services between the United States and all international points except those countries excluded by the Exclusion List;⁴ (2) global authority pursuant to Section 63.18(e)(2) of the FCC's Rules, 47 C.F.R. § 63.18(e)(2), to resell the international switched services of all U.S.-authorized carriers to provide international switched services between the United States and all international points served by those carriers; (3) global authority pursuant to Section 63.18(e)(2) of the FCC's rules, 47 C.F.R. § 63.18(e)(2), to resell international private lines to provide international non-interconnected private line services between the United States and all authorized international points; and (4) authority pursuant Section 63.18(e)(2) of the FCC's Rules, 47 C.F.R. § 63.18(e)(2), to resell international private lines interconnected to the public switched network ("PSN") at one or both ends to provide international switched services on all international routes on which the Commission permits such services to be provided now and in the future.
- (f) MFNS seeks the authority to provide only the services referenced under paragraph (e) of Section 63.18 of the Commission's Rules.
- (g) The authority requested in this Application is categorically excluded from environmental processing as defined by Section 1.1306 of the Commission's Rules,

⁴ MFNS only seeks authority to own circuits on facilities not excluded by the Exclusion List.

47 C.F.R. § 1.1306. As such, an environmental assessment is not required for purposes of this Application and is therefore not attached.

- (h) (1) MFNS is not "affiliated," either directly or indirectly, with any foreign carrier as that term is defined in the Commission's Rules.^{2/} MFNS may resell the facilities-based services of its affiliate, International Optical Network, LLC.

Information regarding MFNS' immediate ownership is as follows:

<u>Name/Address</u>	<u>% of Stock Owned</u>	<u>Citizenship</u>	<u>Principal Business</u>
Metromedia Fiber Network, Inc. c/o MFNS 1 North Lexington Avenue White Plains, NY 10601	100%	U.S.	Telecommunications

Complete information concerning MFNS' ten percent or greater direct and indirect equity holders is provided in Attachment A. Information regarding MFNS' interlocking officers and directors is provided in Attachment B.

- (i) As required by Section 63.18 (i) of the Commission's Rules, 47 C.F.R. § 63.18(i), MFNS certifies that it has not agreed to accept nor shall it accept in the future any special concessions, as defined by the Commission's Rules, directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows on any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market
- (j) MFNS is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. MFNS' certification pursuant to Section 1.2002 of the Commission's Rules (implementing the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 3301) is attached hereto.
- (k) MFNS is not affiliated with a foreign carrier. Accordingly, MFNS requests expedited, streamlined treatment of this application in accordance with 47 C.F.R. § 63.12.

^{2/} 47 C.F.R. §63.18(h) (1998).

CONCLUSION

For the reasons stated above, Metromedia Fiber Network Services, Inc. respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Section 214 Application.

Respectfully submitted,

By:



Adam L. Kuptesky
Kevin D. Minsky
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007
(202) 424-7500 (Tel.)
(202) 424-7645 (Fax)

Counsel for Metromedia Fiber Network Services, Inc.

Dated: February 18, 1999

ATTACHMENTS

Attachment A Ten Percent or Greater Direct and Indirect Equity Holders of Metromedia
Fiber Network Services, Inc.

Attachment B Interlocking Directorates

Certification

ATTACHMENT A:

**Ten Percent or Greater Direct and Indirect Equity Holders of
Metromedia Fiber Network Services, Inc.**

The following entities hold, or will hold at the time authority requested herein may be granted, ten percent (10%) or greater, direct or indirect, ownership interest in Metromedia Fiber Network, Inc.:

Name: Stephen A. Garofalo
Address: 1 North Lexington Avenue
White Plains, NY 10601
Telephone: (914) 421-6700
Facsimile: (914) 421-6777
Citizenship: U.S.
Principle Business: Telecommunications
Percent Ownership: 25.7%

Name: Metromedia Company
Address: One Meadowlands Plaza
East Rutherford, NJ 07073
Telephone: (201) 531-8021
Facsimile: (201) 531-2803
Citizenship: U.S.
Principle Business: Investments
Percent Ownership: 16.7%

Name: Putnam Investments, Inc.
Address: One Post Office Square
Boston, MA 02109
Telephone: (617) 292-1000
Citizenship: U.S.
Principle Business: Investments
Percent Ownership: 12.8%

The following entities hold, or will hold at the time authority requested herein may be granted, ten percent (10%) or greater, direct or indirect, ownership interest in Metromedia Company:

Name: John W. Kluge (Trustee U/A Trust dated as of May 30,
1984 as amended and restated)
Address: 215 East 67th Street
New York, NY 10021
Telephone: (212) 606-4400
Facsimile: (212) 535-3541
Citizenship: U.S.
Principal Business: Investments
Percent Ownership: 95%

ATTACHMENT B:

Interlocking Directorates

The following officers and directors of Metromedia Fiber Network Services, Inc. hold interlocking officer or directorate positions with other entities subject to the Communications Act of 1934, as amended.

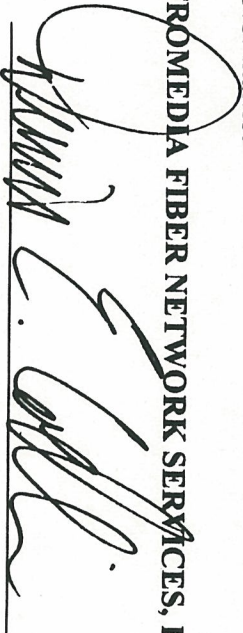
<u>Name</u>	<u>MFNS Position</u>	<u>Other Position</u>
Stephen A. Garofalo	Chairman/CEO	Chairman/CEO - Metromedia Fiber Network, Inc. Member of Board of Managers - International Optical Network, LLC
Howard M. Finkelstein	President/COO	President/COO/Director Metromedia Fiber Network, Inc. Member of Board of Managers - International Optical Network, LLC
Vincent A. Gallucio	Senior Vice President	Senior Vice President/Director Metromedia Fiber Network, Inc. Member of Board of Managers - International Optical Network, LLC
Dennis E. Codlin	Vice President	Vice President Metromedia Fiber Network, Inc. Secretary International Optical Network, LLC

CERTIFICATION OF APPLICANT

On behalf of Metromedia Fiber Network Services, Inc., and in accordance with Section 1.2001-1.2003 of the Commission's Rules, 47 C.F.R. §§ 1.2001-1.2003, I hereby certify that no party to this application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. See 21 U.S.C. § 853a. I also hereby certify that the statements in the foregoing application for Section 214 authorization are true, complete, and correct to the best of my knowledge and are made in good faith.

Metromedia Fiber Network Services, Inc. has not agreed to accept nor shall it accept in the future any special concessions, as defined by the Commission's Rules, directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows on any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market

METROMEDIA FIBER NETWORK SERVICES, INC.

By: 

Name: Dennis E. Codlin

Title: Vice President

Date: 2/18/99