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TC-140-19990365-C0121

March 8, 1999

<b>Granted</b> Telecommunications Division	
date: _____	<b>MAR 18 1999</b>
<b>authorized by: INTERNATIONAL BUREAU</b>	
Exp. 9/14/99	
<i>Troy Tanner</i> signature Chief Policy & Facilities Branch	

**BY COURIER**

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

Attention: Troy Tanner, Chief, Policy and Facilities Branch, International Bureau

Re: Request of Far East Gateway, Inc. for Special Temporary Authority

Dear Secretary Salas:

Far East Gateway, Inc. ("Far East Gateway"), by its undersigned counsel, and 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 to provide international message telecommunications service between the United States and international points for the urgent reasons set forth herein. Far East Gateway seeks such authority at the earliest feasible date in order to satisfy customer contracts to provide international telecommunications services pending grant of Far East Gateway's Section 214 application for regular authority.

By way of background, Far East Gateway is a corporation organized under the laws of Delaware. Far East Gateway is not affiliated, as that term is defined by the Commission's Part 63 Rules, with any U.S. facilities-based carriers whose service it will resell or with any foreign carrier. In addition, Far East Gateway currently does not have any foreign affiliates. This request for Special Temporary Authority incorporates by reference the information contained in its pending Section 214 application, a copy of which is enclosed.

Far East Gateway submits that the public interest would be served by a grant of this request pending Commission action on its Section 214 application. Far East Gateway believes that the added competition its entry will bring to the market will benefit the consumers of United States-

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Re: Request of Far East Gateway, Inc. for Special Temporary Authority

Dear Secretary Salas:

Far East Gateway, Inc. ("Far East Gateway"), by its undersigned counsel, and 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 to provide international message telecommunications service between the United States and international points for the urgent reasons set forth herein. Far East Gateway seeks such authority at the earliest feasible date in order to satisfy customer contracts to provide international telecommunications services pending grant of Far East Gateway's Section 214 application for regular authority.

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Page 2

overseas services by providing increased choices and competitive prices. Grant of this authority will also permit U.S.-based customers to do business with their preferred carrier. Accordingly, Far East Gateway respectfully requests expeditious grant of Special Temporary Authority. Far East Gateway 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:

  
Catherine Wang  
Maria L. Cattafesta

Counsel for Far East Gateway, Inc.

Enclosure

cc: C.C. Lai

Andrew D. Lipman

**CERTIFICATION OF APPLICANT**

On behalf of Far East Gateway, 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 request 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. Further, I hereby certify that the statements in the foregoing request for Special Temporary Authority are true, complete, and correct to the best of my knowledge and are made in good faith.

To the extent required by the Commission's Rules, Far East Gateway, Inc. certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows between the U.S. and various international points for which Special Temporary Authority is granted, and has not agreed to enter into such agreements in the future.

**FAR EAST GATEWAY, INC.**

By: 

Name: **Lee Chuen Bit**

Title: **President**

Date: 3/5/99

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March 8, 1999

**BY COURIER**

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

Attention: Troy Tanner, Chief, Policy and Facilities Branch, International Bureau


Re: *Application of Far East Gateway, Inc., for Global Authority Pursuant to Section 214 of the Communications Act of 1934, As Amended, to Operate as an International Facilities-based Carrier and as an International Resale Carrier*

Dear Sir or Madam:

Enclosed for filing with the Commission are an original and six (6) copies of the application of Far East Gateway, Inc. requesting global authority, pursuant to Section 214 of the Communications Act of 1934, as amended, to operate as an international facilities-based carrier and as an international resale carrier between the United States and various international points.

As required by the Commission's Rules, a check in the amount of \$780.00 is enclosed. Please date-stamp the extra copy of this application and return it in the enclosed self-addressed, stamped envelope. Any questions regarding the enclosed application should be addressed to the undersigned.

Respectfully submitted,

  
Catherine Wang  
Maria L. Cattafesta

Counsel for Far East Gateway, Inc.

Enclosures  
cc: C.C. Lai  
Andrew D. Lipman

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

In the Matter of

FAR EAST GATEWAY, INC.

File No. ITC-214-1999 \_\_\_\_\_

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 International Points )

APPLICATION

Far East Gateway, Inc. ("Far East Gateway" or "Applicant"), by its undersigned counsel, hereby requests "global" authority, pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214 ("Act"), and Section 63.18 of the Commission's Rules, 47 C.F.R. § 63.18 (1998), to provide international telecommunications services between the United States and international points.

I. Summary

Far East Gateway is a Delaware company planning to provide a variety of competitive international services. Far East Gateway is not affiliated, as that term is defined by Part 63 of the Commission's Rules<sup>1/</sup> with any dominant U.S. carriers whose international services Far East Gateway will resell or with any foreign carrier. Therefore, Far East Gateway should be classified

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<sup>1/</sup> 47 C.F.R. §63.18(h); *Market Entry and Regulation of Foreign-Affiliated Entities, Report and Order*, 11 FCC Rcd 3875 (1995) (*Market Entry Order*).

as a nondominant carrier for the provision of the services for which authority is requested in this Application, and Far East Gateway's Application is eligible for streamlined processing.

Far East Gateway herein requests four types of authority in this Application, all of which are eligible for streamlined processing under Section 63.12 of the Commission's Rules, 47 C.F.R. § 63.12.<sup>2/</sup> Far East Gateway specifically requests: (1) global facilities-based authority; (2) global authority to resell the international switched services of all U.S.-authorized carriers; (3) global authority to resell international private lines to provide international non-interconnected 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.

Far East Gateway believes that the added competition its entry will bring to the market will benefit the consumers of United States-overseas services by, among other things, encouraging competitive pricing and creating more service options. A grant of this Application will therefore further the public interest.

## II. Information Required Under Section 63.18

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

- (a) Name, address and telephone number of Applicant:

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<sup>2/</sup> Far East Gateway does not seek authority to serve countries or use facilities excluded by the Commission's Exclusion List.

USA Office Contact:  
Far East Gateway, Inc.  
1040-155 Grant Road  
Suite 185  
Mountain View, CA 94040  
Tel: (510) 623-6948  
Fax: (978) 694-2725

Hong Kong Office Contact: (Please designate as the correspondence address)  
Far East Gateway, Inc.  
Unit B, 16/F, United Centre  
95 Queensway  
Hong Kong  
Tel: 011 852 9092 7957  
Fax: 011 852 2349 5769

(b) Applicant is incorporated under the laws of Delaware.

(c) Correspondence concerning this Application should be sent to:

Catherine Wang, Esq.  
Maria L. Cattafesta, Esq.  
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007  
Tel: (202) 424-7837  
Fax: (202) 424-7645

with a copy to:

Mr. C.C. Lai  
Far East Gateway, Inc.  
Unit B, 16/F, United Centre  
95 Queensway  
Hong Kong  
Tel: 011 852 9092 7957  
Fax: 011 852 2349 5769



- (d) Upon grant of this Application, Far East Gateway will become an authorized non-dominant carrier with global facilities-based and resale authority, subject to Section 214 of the Communications Act of 1934, as amended, and the Commission's Rules. Far East Gateway lacks the market power that would allow it to control prices to the detriment of market competition.
- (e) Far East Gateway specifically requests: (1) global facilities-based authority pursuant to Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1), to acquire interests in half-circuits 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;<sup>3/</sup> (2) global authority pursuant to Section 63.18(e)(2) of the Commission'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 Commission'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 international points; and (4) authority pursuant Section 63.18(e)(2) of the Commission's Rules, 47 C.F.R. § 63.18(e)(2), 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.
- (f) Far East Gateway 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, 47 C.F.R. § 1.1306. As such, an environmental assessment is not required for purposes of this Application.
- (h)(1) Far East Gateway is not "affiliated" with any international foreign carriers as that term is defined by the Commission's Rules.

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<sup>3/</sup> Far East Gateway only seeks authority to own circuits on facilities and serve countries not excluded by the Exclusion List.

(h)(2) Information regarding Far East Gateway's 10% or greater direct or indirect shareholders is as follows:

Name: Far East Gateway (B. V. I.) Limited  
Address: Unit B, 16/F, United Centre  
95 Queensway  
Hong Kong  
Percentage Held: 90%  
Citizenship: British Virgin Islands  
Principal Business: International business

Name: Gold Factor Corporation  
Address: Unit B, 16/F, United Centre  
95 Queensway  
Hong Kong  
Percentage Held: 10%  
Citizenship: British Virgin Islands  
Principal Business: International business

Information regarding Far East Gateway (B. V. I.) Limited's 10% or greater direct or indirect shareholders is as follows:

Name: Lit Cheong Communications Investment Limited  
Address: Unit B, 16/F, United Centre  
95 Queensway  
Hong Kong  
Percentage Held: 100%  
Citizenship: British Virgin Islands  
Principal Business: International business

Information regarding Gold Factor Corporation's 10% or greater direct or indirect shareholders is as follows:

Name: Ms. Shang Ling  
Address: 47A Priestley Drive  
Bucklands Beach  
Auckland New Zealand  
Percentage Held: 100%  
Citizenship: New Zealand  
Principal Business: Investment

Far East Gateway has no interlocking directorates to report.

(h)(3) Applicant certifies that it is not affiliated with any U.S. international carrier whose facilities-based services Far East Gateway seeks to resell (either directly or indirectly through the resale of another reseller's service). Therefore, Far East Gateway's application is subject to streamlined processing, pursuant to Section 63.12 of the Commission's Rules, 47 C.F.R. § 63.12.

(i) Far East Gateway 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 between the U.S. and any foreign country for which Far East Gateway may be authorized to serve.

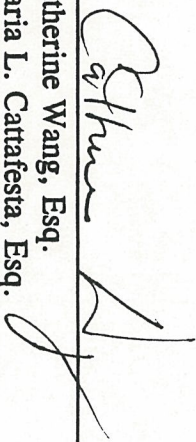
(j) Far East Gateway is not subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. Far East Gateway's certification pursuant to Section 1.2002 of the Commission's Rules (implementing the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 3301) is attached.

CONCLUSION

For the reasons stated above, Far East Gateway, Inc. respectfully submits that the public interest, convenience, and necessity would be furthered by a grant of this Section 214 Application.

Respectfully submitted,

By:

  
Catherine Wang, Esq.

Maria L. Cattafesta, Esq.  
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP  
3000 K Street, N. W., Suite 300  
Washington, DC 20007  
(202) 424-7837 (tel)  
(202) 424-7645 (fax)

Counsel for Far East Gateway, Inc.

Dated: March 8, 1999

**CERTIFICATION OF APPLICANT**

On behalf of Far East Gateway, 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 authority are true, complete, and correct to the best of my knowledge and are made in good faith.

To the extent required by the Commission's Rules, Far East Gateway, Inc. has not agreed to accept any special concessions 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.

**FAR EAST GATEWAY, INC.**

By:  \_\_\_\_\_

Name: **Mr. Lee Chuen Bit**

Title: **President**

Date: 3/5/99 \_\_\_\_\_