



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS  
COMMISSION  
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**Report No. TEL-00487S**

**Friday January 18, 2002**

## **STREAMLINED INTERNATIONAL APPLICATIONS ACCEPTED FOR FILING**

### **SECTION 214 APPLICATIONS (47 C.F.R. § 63.18); CABLE LANDING LICENSE APPLICATIONS (47 C.F.R. § 1.767) REQUESTS TO AUTHORIZE SWITCHED SERVICES OVER PRIVATE LINES (47 C.F.R. § 63.16); SECTION 310(B)(4) REQUESTS**

Unless otherwise specified, the following procedures apply to the applications listed below:

The international Section 214 applications listed below have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications are for authority under Section 214 of the Communications Act, 47 U.S.C. § 214, (a) to transfer control of an authorized carrier or to assign a carrier's existing authorization; and/or (b) to become a facilities-based international common carrier; and/or (c) to become a resale-based international common carrier.

Pursuant to Section 63.12 of the rules, these Section 214 applications will be granted 14 days after the date of this public notice (see 47 C.F.R. § 1.4 regarding computation of time), and the applicant may commence operations on the 15th day, unless the Commission has informed the applicant in writing, within 14 days after the date of this public notice, that the application, on further examination, has been deemed ineligible for streamlined processing.

Communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206. An application can be removed from streamlined processing only in the sound discretion of Commission staff. The filing of comments or a petition to deny will not necessarily result in an application being deemed ineligible for streamlined processing.

The petitions for declaratory ruling listed below are (1) for authority under Section 310(b)(4) of the Communications Act, 47 U.S.C. § 310(b)(4), to exceed the 25 percent foreign ownership benchmark applicable to common carrier radio licensees, or (2) under Section 63.16 of the rules, to add a foreign market to the list of markets for which carriers may provide switched services over private lines. The requested rulings will be granted 14 days after the date of this public notice, effective the next day, unless the application is formally opposed or the Commission has informed the applicant in writing, within 14 days of the date of this public notice, that the application, on further examination, has been deemed ineligible for streamlined processing. For this purpose, a formal opposition shall be sufficient only if it is received by the Commission and by the applicant within 14 days of the date of this public notice and its caption and text make it unmistakably clear that it is intended to be a formal opposition.

Copies of all applications listed here are available for public inspection in the FCC Office of Public Affairs Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

We request that comments on any of these applications refer to the application file number shown below.

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**ISP-PDR-20011107-00057**

D&E/OMNIPPOINT WIRELESS JOINT VENTURE, L.P. ( d/b/a PCS One )

Petition for Declaratory Ruling

**Other Companies:**

Omnipoint Philadelphia E. Lancaster E License, LLC; VoiceStream Wireless Corporation

Request filed by VoiceStream Wireless Corporation (VoiceStream), pursuant to Section 310(b)(4) of the Communications Act of 1934, as amended, to allow an increase in the level of indirect foreign ownership in D&E/Omnipoint Wireless Joint Venture, L.P. (PCS One) and its wholly-owned subsidiary, Omnipoint Philadelphia E. Lancaster E License, LLC (OPEL), from 50% to 100%. This increase in indirect foreign ownership would occur upon consummation of proposed transfers of control of PCS One and OPEL to VoiceStream. Specifically, VoiceStream requests that the Commission find the proposed increase to 100% indirect foreign ownership in PCS One and OPEL by Deutsche Telekom AG (DT) to be consistent with the Commission's decision in VoiceStream Wireless Corporation, Powertel, Inc. and Deutsche Telekom AG, 16 FCC Rcd 9779 (2001) (VoiceStream/DT Order), which authorized up to a 100% indirect investment in VoiceStream and its wholly-owned licensee subsidiaries by DT, and to otherwise serve the public interest.

VoiceStream is a wholly-owned domestic subsidiary of T-Mobile International AG, which in turn is a wholly-owned subsidiary of DT, a publicly-traded German corporation. Applicant asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC 18158 (2000), the "home market" of the named foreign investor is Germany, which is a WTO member.

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**ISP-PDR-20011228-00058**

AT&T WIRELESS SERVICES, INC. ( d/b/a AT&T WIRELESS SERVICES, INC. )

Petition for Declaratory Ruling

Request filed by AT&T Wireless Services, Inc. (AWS) to exceed the 25% indirect foreign ownership benchmark in Section 310(b)(4) of the Communications Act of 1934, as amended. Specifically, AWS believes that it would serve the public interest to (1) approve the existing 25.1% indirect non-controlling foreign ownership of AWS capital stock by two WTO-based foreign investors, NTT DoCoMo, Inc. (DoCoMo) and The AXA Group (AXA), and (2) allow additional non-controlling indirect foreign ownership up to 25% in the aggregate.

AWS, a U.S. corporation, owns and controls subsidiaries holding domestic common carrier radio licenses under Title III of the Communications Act. Through its subsidiaries, AWS holds licenses in the cellular service, personal communications service, wireless communications service, local multipoint distribution service, and the point-to-point microwave service. According to the petition, DoCoMo, a Japanese telecommunications provider, owns approximately 16% of AWS's capital stock. Nippon Telegraph and Telephone Corp. (NTT) holds 64.06% of DoCoMo's capital stock, and the remainder is traded on the Tokyo Stock Exchange. Petitioner states that the Japanese Ministry of Finance's 45.96% ownership of NTT results in a 4.7% indirect foreign government equity interest and a 7.34% voting interest in AWS. AXA, a French global insurance and financial management group owns approximately 9.1% of AWS's capital stock. AXA's stock is traded on the Paris Bourse and it has ADRs listed on the NYSE. Applicant asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC 18158 (2000), the "home markets" of the named foreign investors, DoCoMo and AXA, are Japan and France, respectively, which are WTO members.

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**ITC-214-20011129-00605**

EIRTALK Limited

International Telecommunications Certificate

**Service(s):** Global or Limited Global Resale Service

Application for authority to provide service in accordance with the provisions of Section 63.18(e)(2) of the rules.

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**ITC-214-20011228-00654**

Phone 1, Inc.

International Telecommunications Certificate

**Service(s):** Global or Limited Global Resale Service

Application for authority to provide service in accordance with the provisions of Section 63.18(e)(2) of the rules.

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**ITC-214-20020108-00006**

2TALK COMMUNICATIONS INC.

International Telecommunications Certificate

**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Application for authority to operate as a facilities-based carrier in accordance with the provisions of Section 63.18(e)(1) of the rules and also to provide service in accordance with the provisions of Section 63.18(e)(2) of the rules.

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**ITC-214-20020110-00007**

CCMSB, Inc.

International Telecommunications Certificate

**Service(s):** Global or Limited Global Resale Service

Application for authority to provide service in accordance with the provisions of Section 63.18(e)(2) of the rules.

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**ITC-T/C-20020103-00009**

Enhanced Communications Network, Inc.

Transfer of Control

**Current Licensee:** Enhanced Communications Network, Inc.

**FROM:** Enhanced Communications Network, Inc.

**TO:** Pacific Telecom, Inc.

Application for Consent to Transfer Control of Enhanced Communications Network, Inc. to Pacific Telecom, Inc.

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**REMINDERS:**

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001-.2003.

The Commission most recently amended its rules applicable to international telecommunications common carriers in IB Docket No. 98-118, Review of International Common Carrier Regulations, FCC 99-51, released March 23, 1999, 64 Fed. Reg. 19,057 (Apr. 19, 1999). An updated version of Section 63.09-.24 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/td/pf/telecomrules.html>.