

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
QUEST NET CORP.
Application for authority pursuant to
Section 214 of the Communications
Act of 1934, as amended, for global
authority to provide facilities based
telecommunications service as
a nondominant carrier from the
United States to international points.
File No. ITC-214-19990323-00405

ORDER

Adopted: November 1, 2001

Released: November 2, 2001

By the Chief, Telecommunications Division, International Bureau:

- 1. In this order, we dismiss without prejudice Quest Net Corp.(Quest Net) above-captioned application requesting authority to provide facilities-based international telecommunications service between the United States and Cuba.
2. On March 23, 1999, Quest Net filed the above-captioned application requesting authority to provide facilities-based international telecommunications services. Specifically, according to the applicants, Quest Net intended to provide data internet service transmission, primarily for educational purposes, to customers through a fiber optic cable to be installed between Key West, Florida, and Havana, Cuba, with Cay Sal, Cuba, as a potential interim point.
3. We have acted with due diligence in attempting to contact Quest Net for additional information concerning its application, but have done so without success. Upon learning that counsel listed in the application no longer represents Quest Net, and the telephone number for the CEO, Camilo Pereira, has been disconnected, we mailed a letter to Quest Net on August 17, 2001, Return Receipt Requested.1 On September 10, 2001, the

1 In our letter, we instructed Camilo Pereira to contact the Commission within ten days from the receipt of the letter to discuss the status of Quest Net's pending application. We further noted that failure to contact the Commission concerning Quest Net's application may result in dismissal of the application without prejudice to Quest Net.

Commission received the August 17, 2001 letter to Quest Net stamped "Return to Sender, Forwarding Order Expired." In addition, we attempted to fax the August 17, 2001 letter to the number indicated on Quest Net's application without success.² Finally, the consultant to Quest Net listed in the application is no longer employed at Technologies Management, Inc., and Technologies Management, Inc. is not aware of a current account with Quest Net.

4. Section 1.748(a) of the Commission's rule grants us the authority to dismiss an application without prejudice when the applicant fails to comply with a Commission request for additional information.³ Quest Net failed to provide the Commission with contact information. Quest Net has thereby made itself unavailable to the Commission and, thus, has failed to comply with our request for additional information. Therefore, pursuant to Section 1.748(a) of the Commission's rules, we dismiss without prejudice Quest Net's application.

5. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), and 214 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 214, section 1.748(a) of the Commission's rules, 47 C.F.R. § 1.748(a), and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, and 0.311, that the above-captioned application is dismissed without prejudice and that this proceeding IS TERMINATED without prejudice.

6. IT IS FURTHER ORDERED that this Order is effective immediately upon release thereof.

FEDERAL COMMUNICATIONS COMMISSION

Kathryn O'Brien
Acting Chief
Telecommunications Division
International Bureau

² when we faxed our letter to the number listed in Quest Net's application on August 17, 2001, the written transmittal indicated that the "function was not completed," and the verbal message also indicated that the fax number is disconnected.

³ Section 1.748(a) of the Commission's rules, states in relevant part, "The Commission may dismiss an application without prejudice before it has been designated for hearing when the applicant fails to comply or justify noncompliance with Commission request for additional information in connection with such application 47 C.F.R § 1.748."