



PUBLIC NOTICE

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Report No. TEL-01006

DA No. 06-598
Thursday March 16, 2006

INTERNATIONAL AUTHORIZATIONS GRANTED

Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) Requests

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the 25 percent foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b)(4).

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

An updated version of Sections 63.09–.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>.

Petition for Declaratory Ruling

Grant of Authority

Date of Action: 03/08/2006

Vista PCS, LLC ("Vista" or "Petitioner"), a winning bidder of certain broadband PCS licenses in Auction No. 58, see DA 05-459, requests that the Commission find permissible foreign ownership of Vista in excess of the 25 percent benchmark set forth in Section 310(b)(4) of the Communications Act of 1934, as amended. This authorization is without prejudice to the Commission's action on any other related pending application(s).

According to the Petition, as amended, Vista, a Delaware limited liability company, is owned as follows: Valley Communications, LLC ("Valley"), a Delaware limited liability company (20% of membership units), and Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless"), a Delaware general partnership (80% of membership units). Valley is the managing member of Vista. Seventy percent of Valley's membership units are held by the Dwyer Nevada Family Limited Partnership ("Dwyer LP"), a Nevada limited partnership that controls Valley. James A. Dwyer, a U.S. citizen, is the sole general partner and limited partner of Dwyer LP. Mr. Dwyer, or his affiliates, also own directly an additional 24 percent of Valley's membership units. The remaining membership units are held by other named U.S. citizens.

Verizon Wireless, which holds an 80 percent non-controlling interest in Vista, is a general partnership that is ultimately owned by Verizon Communications, Inc. (55%) ("Verizon Communications"), a Delaware corporation, and Vodafone Group Plc. (45%) ("Vodafone"), a public limited company organized under the laws of the United Kingdom. The Petitioner notes that Vodafone has previously received authorization to own indirectly up to 65.1 percent of Verizon Wireless, citing Vodafone AirTouch Plc and Bell Atlantic Corporation, Memorandum Opinion and Order, 15 FCC Rcd 16507, 16514, para. 19 (WTB/IB 2000) ("Vodafone-Bell Atlantic Order").

According to the petition, Vista will assign the PCS licenses for which it placed winning bids in Auction No. 58 to a wholly-owned Delaware limited liability company, Vista License Holdings, L.L.C. ("VLH"), within two business days of the Commission's grant of Vista's pending pro forma assignment application (ULS 0002522127). Vista is the sole controlling member of VLH. Vista seeks a declaratory ruling allowing Vodafone to hold the same indirect ownership interest in Vista as Vodafone was authorized to hold in Verizon Wireless pursuant to the foreign ownership ruling in the Vodafone-Bell Atlantic Order (65.1 percent).

Pursuant to the rules and policies adopted in the Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), we find that it would not serve the public interest to prohibit the indirect foreign ownership of Vista's wholly-owned subsidiary, VLH, in excess of the 25 percent benchmark of Section 310(b)(4) of the Communications Act. Specifically, this ruling permits VLH's controlling parent company, Vista, to be owned indirectly by Vodafone in an amount up to and including 65.1 percent. Vista may acquire up to and including an additional, aggregate 25 percent foreign equity and/or voting interests from other foreign investors without seeking further Commission approval under Section 310(b)(4), subject to the following conditions: (1) non-U.K. foreign ownership of Vodafone and Verizon Communications shall be included in the total direct or indirect foreign ownership of Vista; (2) no single foreign individual or entity, with the exception of Vodafone, may acquire direct or indirect equity and/or voting interests in Vista in excess of 25 percent without prior Commission approval; and (3) Vista shall consummate the pro forma assignment of the Auction No. 58 licenses to VLH within two business days of the Commission's grant of Vista's pro forma assignment application. This authorization is without prejudice to the Commission's action on any other related pending application(s).

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Grant of Authority

Date of Action: 03/15/2006

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

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Grant of Authority

Date of Action: 03/15/2006

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

ITC-214-20060213-00108 E Hybrid Networks, LLC
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action: 03/10/2006

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

ITC-214-20060221-00095 E Southern Illinois RSA Partnership
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action: 03/10/2006

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

ITC-T/C-20060112-00015 E KMC Data, LLC
Transfer of Control
Grant of Authority Date of Action: 03/10/2006

Current Licensee: KMC Data, LLC

FROM: KMC Telecom Holdings, Inc.

TO: Hypercube, LLC

Application for consent to transfer control of international section 214 authorization, ITC-214-20050203-00058, held by KMC Data, LLC ("KMC Data"), a Delaware limited liability company, from its parent, KMC Telecom Holdings, Inc., to Hypercube, LLC ("Hypercube"), a Delaware limited liability company. The proposed transaction will occur pursuant to the terms of an Asset Purchase Agreement ("Agreement"), dated November 15, 2005, whereby KMC Data will become a wholly owned direct subsidiary of Hypercube, a recently formed limited liability company that includes the senior management team of KMC Data. Applicants have identified the following entities as holding a ten-percent-or-greater direct or indirect equity or voting interest in KMC Data upon closing: Three U.S. entities, Annex Holdings Corporation ("Annex Holdings"), Kamine Credit Corporation ("Kamine"), and Nassau Capital LLC ("Nassau Capital"), will each hold 26.67% ownership interest in Hypercube, and Ronald Beaumont, a U.S. citizen and Chief Executive Officer of Hypercube, will hold 15% ownership interest in Hypercube. Annex Holdings is wholly owned by Annex Holdings I, LP, a U.S. entity that is controlled by its general partner, Annex Capital Partners, LLC, also a U.S. entity. Collier International Partners IV-D holds an 89% limited partnership interest in Annex Holdings I, LP and is controlled by its general partner, Collier International General Partner IV, LP, both of which are organized in the Cayman Islands. Alexander P. Coleman, a U.S. citizen, wholly owns Annex Capital Partners, LLC. Harold N. Kamine, a U.S. citizen, wholly owns Kamine Credit Corporation. Two U.S. citizens, Randall Hack and John Quigley each hold an indirect 50% ownership interest in Nassau Capital. This authorization is without prejudice to the Commission's action on any other related pending application(s).

ITC-T/C-20060123-00036 E WETEC, LLC dba/Unitel Communications
Transfer of Control
Grant of Authority Date of Action: 03/10/2006

Current Licensee: WETEC, LLC dba/Unitel Communications

FROM: West Central Technologies, Inc.

TO: Arvig Enterprises, Inc.

Application for consent to transfer of control of international section 214 authorization, ITC-214-20051123-00482, held by WETEC, LLC d/b/a Unitel Communications ("WETEC") to Arvig Enterprises, Inc. ("Arvig"). WETEC is owned jointly by West Central Technologies, Inc. ("West Central") and Arvig Enterprises, Inc., with each holding 50% membership interest in WETEC. The proposed transaction contemplates that Arvig will acquire by purchase all WETEC membership interests currently held by West Central, resulting in Arvig's 100% ownership of WETEC. There are three persons or entities holding 10% or greater ownership interests in Arvig. They are Allen R. Arvig, U.S. citizen, who holds 35.75% voting common stock interest; Donna M. Ward, U.S. citizen, who holds 21.09% voting common stock interest; and Marvin S. Ward (Successor Trustee, Eleanor M. Arvig Revocable Trust U/A dated November 24, 1995), U.S. citizen, holding 99.8% non-voting preferred interest. This authorization is without prejudice to the Commission's action on any other related pending application(s).

ITC-T/C-20060201-00084 E

Western Wireless International Enterprise, Inc.

Transfer of Control

Grant of Authority

Date of Action: 03/10/2006

Current Licensee: Western Wireless International Enterprise, Inc.

FROM: Western Wireless, LLC

TO: TRILOGY INTERNATIONAL PARTNERS LLC

Application for consent to transfer control of international section 214 authorization to provide global facilities-based and resale service, ITC-214-20021021-00502, held by Western Wireless International Enterprise, Inc. ("WWIE") from its parent, Western Wireless, LLC ("Western Wireless") to Trilogy International Partners LLC ("Trilogy"). Western Wireless is a wholly-owned subsidiary of ALLTEL Communications, Inc. ("ALLTEL"). Pursuant to the terms of certain stock purchase agreements between ALLTEL and Trilogy, ALLTEL has agreed to sell to Trilogy the issued and outstanding common stock of WWIE. Trilogy is a limited liability company organized under the laws of the State of Washington. Its sole members are John Stanton and his wife, Theresa Gillespie, each of whom is a U.S. citizen and owns a 50% ownership interest in Trilogy. This authorization is without prejudice to the Commission's action on any other related pending application(s).

Dismissal

ITC-214-20030812-00398

XANTIC B.V.

By letter dated March 8, 2006, Applicant notified the Commission of the withdrawal of its international section 214 application.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

- (1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is attached to this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by streamlined grant or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://www.fcc.gov/ib/td/pf/exclusionlist.html>. It also will be attached to each Public Notice that grants international Section 214 authority.
- (2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.
- (3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules. The Commission recently amended Section 63.11 of the rules in its Order on Reconsideration in IB Docket No. 97-142, 15 FCC Rcd 18158 (2000).
- (4) Carriers shall comply with the Commission's International Settlements Policy and associated filing requirements contained in Sections 43.51 and 64.1001 of the Commission's Rules, 47 C.F.R. §§ 43.51, 64.1001. The Commission modified these requirements most recently in 2000 Biennial Regulatory Review, Policy and Rules Concerning the International, Interexchange Marketplace, FCC 01-93, released, March 20, 2001, 66 Fed. Reg. 16874 (Mar. 28, 2001). See also 1998 Biennial Regulatory Review - Reform of the International Settlements Policy and Associated Filing Requirements, IB Docket Nos. 98-148, 95-22, CC Docket No. 90-337 (Phase II), FCC 99-73 (rel. May 6, 1999). In addition, any carrier interconnecting private lines to the U.S. public switched network at its switch, including any switch in which the carrier obtains capacity either through lease or otherwise, shall file annually with the Chief, International Bureau, a certified statement containing, on a country-specific basis, the number and type (e.g., 64 kbps circuits) of private lines interconnected in such manner. The Commission will treat the country of origin information as confidential. Carriers need not file their contracts for interconnection unless the Commission specifically requests. Carriers shall file their annual report on February 1 (covering international private lines interconnected during the preceding January 1 to December 31 period) of each year. International private lines to countries for which the Commission has authorized the provision of switched basic services over private lines at any time during a particular reporting period are exempt from this requirement. See 47 C.F.R. § 43.51(d).
- (5) Carriers authorized to provide private line service either on a facilities or resale basis are limited to the provision of such private line service only between the United States and those foreign points covered by their referenced applications for Section 214 authority. In addition, the carriers may not -- and their tariffs must state that their customers may not -- connect their private lines to the public switched network at either the U.S. or foreign end, or both, for the provision of international switched basic services, unless the Commission has authorized the provision of switched services over private lines to the particular country at the foreign end of the private line or the carrier is exchanging switched traffic with a foreign carrier that the Commission has determined lacks market power in the country at the foreign end of the private line. See 47 C.F.R. §§ 63.16, 63.22(e), 63.23(d). A foreign carrier lacks market power for purposes of this rule if it does not appear on the Commission list of foreign carriers that do not qualify for the presumption that they lack market power in particular foreign points. This list is available at http://www.fcc.gov/Bureaus/International/Public_Notices/1999/da990809.txt. See generally 1998 Biennial Regulatory Review - Reform of the International Settlements Policy and Associated Filing Requirements, IB Docket Nos. 98-148, 95-22, CC Docket No. 90-337 (Phase II), FCC 99-73 (rel. May 6, 1999), paras. 12-15, 102-109.
- (6) The Commission has authorized the provision of switched basic services via facilities-based or resold private lines between the United States and the following foreign points: Sweden, Canada, New Zealand, the United Kingdom, Australia, The Netherlands, Luxembourg, Norway, Denmark, France, Germany, Belgium, Austria, Switzerland, Japan, Italy, Ireland, Hong Kong, Iceland, Spain, Finland, Israel, Singapore, Netherlands Antilles, Poland, Argentina, United Arab Emirates, Macau, Hungary, Philippines, Greece, Uruguay, Brunei, Trinidad & Tobago, Czech Republic, the Dominican Republic, Brazil, Botswana, Costa Rica, South Africa, Saint Lucia, Saint Kitts & Nevis, Saint Vincent, Antigua, Malaysia, Thailand, Belize, Panama, Guatemala, Venezuela, Bahrain, South Korea, Portugal, Cyprus, Slovak Republic, Slovenia, Dominica, Grenada, Jamaica, Kuwait, Jordan, Paraguay, Croatia, Egypt, Zambia, Ecuador, Barbados, Colombia, Chile, El

Salvador, Taiwan, Nicaragua, Turkey, Peru, Morocco, Ghana, Bolivia, Guyana, Mongolia, Zimbabwe, Gambia, Nigeria, Bangladesh, Indonesia, Tunisia, Qatar, Oman, Mauritius, New Caledonia, Guinea, Suriname, and Fiji Islands.

(7) Carriers may engage in "switched hubbing" to countries for which the Commission has not authorized the provision of switched basic services over private lines consistent with Section 63.17(b) of the rules.

(8) Carriers may provide U.S. inbound or outbound switched basic service via their authorized private lines extending between or among the United States, Sweden, New Zealand, the United Kingdom, Australia, The Netherlands, Luxembourg, Norway, Denmark, France, Germany, Belgium, Austria, Switzerland, Japan, Italy, Ireland, Hong Kong, Iceland, Spain, Finland, Israel, Singapore, Netherlands Antilles, Poland, Argentina, United Arab Emirates, Macau, Hungary, Philippines, Greece, Uruguay, Brunei, Trinidad & Tobago, Czech Republic, the Dominican Republic, Brazil, Botswana, Costa Rica, South Africa, Saint Lucia, Saint Kitts & Nevis, Saint Vincent, Antigua, Malaysia, Thailand, Belize, Panama, Guatemala, Venezuela, Bahrain, South Korea, Portugal, Cyprus, Slovak Republic, Slovenia, Dominica, Grenada, Jamaica, Kuwait, Jordan, Paraguay, Croatia, Egypt, Zambia, Ecuador, Barbados, Colombia, Chile, El Salvador, Taiwan, Nicaragua, Turkey, Peru, Morocco, Ghana, Bolivia, Guyana, Mongolia, Zimbabwe, Gambia, Nigeria, Bangladesh, Indonesia, Tunisia, Qatar, Oman, Mauritius, and New Caledonia, Guinea, Suriname, and Fiji Islands.

(9) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.

(10) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19 must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11. These non-dominant carriers may continue filing new or revised international tariffs for mass market services until January 28, 2002, when all tariffs, with limited exceptions, must be cancelled. Carriers may not file any new or revised contract tariffs or tariffs for other long-term international service arrangements. See 2000 Biennial Regulatory Review, Policy and Rules Concerning the International, Interexchange Marketplace, FCC 01-93, released March 20, 2001, 66 Fed. Reg. 16874 (Mar. 28, 2001).

(11) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a). Carriers shall also file the quarterly reports required by Section 43.61 in the circumstances specified in paragraphs (b) and (c) of that Section.

(12) Carriers shall file annual reports of circuit status and/or circuit additions in accordance with the requirements set forth in Rules for Filing of International Circuit Status Reports, CC Docket No. 93-157, Report and Order, 10 FCC Rcd 8605 (1995). See 47 C.F.R. §§ 43.82, 63.23(e). These requirements apply to facilities-based carriers and private line resellers, respectively. See also: <http://www.fcc.gov/ib/pd/pf/csmanual.html>

(13) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. Further, the grant of these applications shall not be construed to include authorization for the transmission of money in connection with the services the applicants have been given authority to provide. The transmission of money is not considered to be a common carrier service.

(14) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(15) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903. See Regulatory Treatment of LEC Provision of Interexchange Services Originating in the LEC's Local Exchange Area and Policy and Rules Concerning the Interstate, Interexchange Marketplace, Second Report and Order in CC Docket No. 96-149 and Third Report and Order in CC Docket No. 96-61, 12 FCC Rcd 15756, recon., 12 FCC Rcd 8730 (1997), Order, 13 FCC Rcd 6427 (Com. Car. Bur. 1998), further recon., FCC 99-103 (rel. June 30, 1999).

(16) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based service on that route unless the current rates the affiliate charges U.S. international carrier to terminate traffic are at or below the Commission's relevant benchmark adopted in International

Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliation" and "foreign carrier" are defined in Section 63.09.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see Section 1.4(b)(2)).

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Exclusion List for International Section 214 Authorizations

-- Last Modified December 22, 1999 --

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). In addition, the facilities listed shall not be used by U.S. carriers authorized under Section 63.18 of the Commission's Rules unless the carrier's Section 214 authorization specifically lists the facility. Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(4) of the Commission's Rules. See generally 47 C.F.R. § 63.22.

Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice Report No. I-6831, dated July 27, 1993, "FCC to Accept Applications for Service to Cuba.")

Facilities:

All non-U.S.-licensed satellite systems that are not on the Permitted Space Station List, maintained at <http://www.fcc.gov/ib/sd/se/permitted.html>. See International Bureau Public Notice, DA 99-2844 (rel. Dec. 17, 1999).

This list is subject to change by the Commission when the public interest requires. Before amending the list, the Commission will first issue a public notice giving affected parties the opportunity for comment and hearing on the proposed changes. The Commission may then release an order amending the exclusion list. This list also is subject to change upon issuance of an Executive Order. See Streamlining the Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, FCC 96-79, 11 FCC Rcd 12,884, released March 13, 1996 (61 Fed. Reg. 15,724, April 9, 1996). A current version of this list is maintained at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>.

For additional information, contact the International Bureau's Policy Division, (202) 418-1460.