



PUBLIC NOTICE

FEDERAL COMMUNICATIONS
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Report No. TEL-00503S

Friday March 1, 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.

Petition for Declaratory Ruling

Cook Inlet/VS GSM VI PCS, LLC ("CIVS VI" or the Applicant), requests that the Commission find permissible indirect foreign ownership of CIVS VI in excess of the 25% benchmark of Section 310(b)(4) of the Communications Act of 1934, as amended. The attributable indirect foreign ownership will occur when four broadband PCS licenses are assigned by Cook Inlet/VS GSM IV PCS, LLC (CIVS IV") to CIVS VI. This assignment is the subject of a pro forma assignment application filed concurrently with CIVS VI's petition for declaratory ruling. See FCC File No. 0000757150.

Applicant states that the ownership structures of CIVS IV and CIVS VI are identical and that the Commission previously approved this ownership structure and resulting indirect foreign ownership in excess of the 25 percent benchmark for CIVS IV. Applicant asserts that, for the same reasons that the Commission found the CIVS IV ownership structure and resulting indirect foreign ownership to be in the public interest, the Commission should also find that CIVS VI's ownership structure and indirect foreign ownership are in the public interest.

According to the applicant, CIVS VI is a newly formed, wholly owned subsidiary of Cook Inlet/VS GSM VI PCS Holdings, LLC ("CIVS VI Holdings"), a Delaware limited liability company. CIVS VI Holdings has two members, Cook Inlet Mobile Corporation ("CIMC") and VoiceStream PCS BTA I Corporation ("VS BTA I"). CIMC, a Delaware corporation, holds a 16.35 percent equity interest and 100 percent of the Class A membership interests in CIVS VI Holdings. As such, CIMC is the sole Manager of CIVS VI Holdings and its subsidiary CIVS VI. CIMC is, in turn, a wholly owned, direct subsidiary of Cook Inlet Region, Inc. ("CIRI"), which is an Alaska Native Regional Corporation organized pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. § 1601 et seq. Under the Commission's rules, CIRI, through CIMC has both de jure and de facto control of CIVS VI Holdings and its licensee subsidiary.¹ According to the Applicant, CIRI has no cognizable foreign interest that is attributable to CIVS VI Holdings or to CIVS VI.

Applicant states that CIVS VI Holdings' second member, VS BTA I, is a wholly owned subsidiary of VoiceStream Wireless Corporation, which is in turn wholly owned by Deutsche Telekom AG (DT). VS BTA I holds an 83.65 percent equity interest in CIVS VI Holdings and 100 percent of the Class B membership interests in CIVS VI Holdings. According to the Applicant, pursuant to CIVS VI Holdings' operating agreement, VS BTA I enjoys the benefit of certain standard investment protections, but neither VS BTA I nor VoiceStream has the ability to control the management or day-to-day operations of CIVS VI Holdings or CIVS VI.

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based AND 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.

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.

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.

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>.