



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-00791NS

Friday May 7, 2004

NON 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); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16) and Section 310(b)(4)

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

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not 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 shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. Ex parte 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.

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.

Petition for Declaratory Ruling

Teligent, Inc. ("Teligent") and Aspen Partners - Series A, a Series of Aspen Capital Partners, L.P. ("Aspen Partners - Series A") (collectively, the "Petitioners") request that the Commission find permissible the indirect foreign ownership of Teligent in excess of the 25 percent benchmark set forth in Section 310(b)(4) of the Communications Act of 1934, as amended. Specifically, the Petitioners request a declaratory ruling that the Commission find permissible up to 34 percent indirect foreign ownership of Teligent. This request is filed in connection with an application seeking Commission consent to the transfer of control of Teligent, a common carrier radio licensee, to Aspen Partners - Series A. See File No. 0001679126.

Petitioners state that, under the proposed transaction, Aspen Partners - Series A, a Delaware limited partnership, will hold 97.19 percent of the shares in Teligent. Petitioners also state that the following foreign investors hold equity (but not voting) interests directly in Aspen Partners - Series A: (1) Aspen Offshore, Ltd. ("Aspen Offshore"), a company organized under the laws of the Cayman Islands (26.26 percent equity interest), (2) an unnamed Canadian entity (.09 equity percent interest), and (3) various unnamed entities from the Cayman Islands (6.99 percent aggregate equity interest). The total of these indirect foreign equity interests in Teligent would be 33.25 percent.

The Petitioners assert that Aspen Offshore has its principal place of business in the United States or the Cayman Islands, a territory of the United Kingdom (a member of the World Trade Organization). Therefore, pursuant to the rules and policies established by the Commission's Foreign Participation Order, 12 FCC Rcd 18158 (2000), the Petitioners assert that the indirect foreign ownership of Teligent in excess of the 25 percent benchmark is consistent with the public interest.

Interested parties may file comments by May 21, 2004 and reply comments by May 28, 2004. For further information, please contact Francis Gutierrez at 202-418-1460.

REMINDER:

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>.