



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 12th STREET S.W.  
WASHINGTON D.C. 20554

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News media information 202-418-0500  
Fax-On-Demand 202-418-2830; Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)  
TTY (202) 418-2555

**Report No. TEL-01099S**

**Friday December 22, 2006**

## **STREAMLINED INTERNATIONAL APPLICATIONS ACCEPTED FOR FILING SECTION 214 APPLICATIONS (47 C.F.R. § 63.18); 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 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. 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. 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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). 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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**ITC-214-20061204-00537** E D.C.TeleSystems, LLC  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
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.

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**ITC-214-20061207-00581** E ITSI America, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
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.

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**ITC-214-20061212-00552** E ABH Communications, Corp  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
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.

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**ITC-214-20061213-00551** E Bridges Global Access Telecomms Limited  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
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.

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**ITC-214-20061215-00565** E ILDN West, LLC  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
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.

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**ITC-214-20061215-00566** E ZTELEPHONY LLC dba Worldnet  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
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.

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**ITC-214-20061218-00568** E The South Haven Company, Inc. d/b/a World Connect, d/b/a El Mundo Conn  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Resale Service  
Application for authority to provide service in accordance with Section 63.18(e)(2) of the rules.

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**ITC-214-20061219-00577** E DCT Telecom Group, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Resale Service  
Application for authority to provide service in accordance with Section 63.18(e)(2) of the rules.

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**ITC-214-20061220-00576** E WERCS Communications  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Resale Service  
Application for authority to provide service in accordance with Section 63.18(e)(2) of the rules.

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**ITC-ASG-20061130-00534** E

First Communications, LLC

Assignment

**Current Licensee:** Acceris Management and Acquisition LLC

**FROM:** Acceris Management and Acquisition LLC

**TO:** First Communications, LLC

Application for consent to assign certain of the assets and all of the customers of Acceris Management and Acquisition, LLC (Acceris) to First Communications, LLC (First Communications). The customers involved in the transaction are located in all the contiguous 48 states, plus Hawaii and the District of Columbia, but not Alaska. First Communications will provide services to its newly acquired customers under its existing international section 214 authorization, ITC-214-19951215-00030. After the transaction is consummated, Acceris will cease operations and intends to surrender its international section 214 authorization, ITC-214-20011010-00517.

The following three U.S. entities hold 10 percent or greater direct ownership interests in First Communications: McKinley Communications, LLC (McKinley) (51%); First Energy Corp. (31.85%); and Boich Investment Group, Ltd. (Boich) (17.15%). Marbel Investments, LLC (Marbel), holds an 80% controlling ownership interest in McKinley. Marbel is owned and controlled in equal shares by four U.S. citizens. Wayne Boich, Sr., a U.S. citizen, holds 100% ownership interest in Boich. There are no other individuals or entities with a ten percent or greater direct or indirect interest in First Communications.

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**ITC-ASG-20061201-00542** E

First Communications, LLC

Assignment

**Current Licensee:** Choicetel, Inc.

**FROM:** Choicetel, Inc.

**TO:** First Communications, LLC

Application for consent to assign certain of the assets and all of the customers of Choicetel, Inc. (Choicetel) to First Communications, LLC (First Communications). The customers involved in the transaction are located in all the contiguous 48 states, plus Hawaii and the District of Columbia, but not Alaska. First Communications will provide services to its newly acquired customers under its existing international section 214 authorization, ITC-214-19951215-00030. After the transaction is consummated, Choicetel will cease operations and intends to surrender its international section 214 authorization, ITC-214-20001106-00673.

The following three U.S. entities hold 10 percent or greater direct ownership interests in First Communications: McKinley Communications, LLC (McKinley) (51%); First Energy Corp. (31.85%); and Boich Investment Group, Ltd. (Boich) (17.15%). Marbel Investments, LLC (Marbel), holds an 80% controlling ownership interest in McKinley. Marbel is owned and controlled in equal shares by four U.S. citizens. Wayne Boich, Sr., a U.S. citizen, holds 100% ownership interest in Boich. There are no other individuals or entities with a ten percent or greater direct or indirect interest in First Communications.

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**ITC-ASG-20061201-00543** E

First Communications, LLC

Assignment

**Current Licensee:** New Access Communications, LLC

**FROM:** New Access Communicaitons, LLC

**TO:** First Communications, LLC

Application for consent to assign certain of the assets and all of the customers of New Access Communications, LLC (New Access) to First Communications, LLC (First Communications). The customers involved in the transaction are located in all the contiguous 48 states, plus Hawaii and the District of Columbia, but not Alaska. First Communications will provide services to its newly acquired customers under its existing international section 214 authorization, ITC-214-19951215-00030. After the transaction is consummated, New Access will cease operations and intends to surrender its international section 214 authorization, ITC-214-20000817-00481

The following three U.S. entities hold 10 percent or greater direct ownership interests in First Communications: McKinley Communications, LLC (McKinley) (51%); First Energy Corp. (31.85%); and Boich Investment Group, Ltd. (Boich) (17.15%). Marbel Investments, LLC (Marbel), holds an 80% controlling ownership interest in McKinley. Marbel is owned and controlled in equal shares by four U.S. citizens. Wayne Boich, Sr., a U.S. citizen, holds 100% ownership interest in Boich. There are no other individuals or entities with a ten percent or greater direct or indirect interest in First Communications.

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Transfer of Control

**Current Licensee:** Telstra Incorporated

**FROM:** The Commonwealth of Australia

**TO:** Telstra Corporation Limited

Application for consent to transfer control of international section 214 authorizations, ITC-214-19970610-00320, ITC-214-19970610-00321, ITC-214-19960610-00238, ITC-214-19960610-00241, ITC-214-19960610-00240, held by Telstra Incorporated (Telstra USA), from the Commonwealth of Australia (the Commonwealth) to the shareholders of Telstra Corporation Limited (Telstra). Telstra USA is a wholly-owned, indirect subsidiary of Telstra, a publicly traded corporation organized under the laws of Australia, a WTO Member country. In the first part of a two part transaction, on November 24, 2006, the Commonwealth of Australia (Commonwealth) sold approximately 30% of Telstra's issued shares, thereby decreasing its holdings in Telstra from 51.8% to approximately 22% (or 17% if all over allotment options are exercised). Although the Commonwealth lost de jure control of Telstra, it continues to maintain de facto control over Telstra pursuant to certain provisions of the Telstra Corporation Act of 1991, as amended. (See ITC-T/C-20061218-00570, granted DA 06-2567, rel. Dec. 21, 2006)

In the second part of the transaction, the Commonwealth intends to transfer all of its remaining shares of Telstra (approximately 17 to 22%) to the Future Fund Board of Guardians (the Future Fund Board) by no later than February 24, 2007. The Future Fund is a Commonwealth investment fund and separate legal entity from the Commonwealth. Upon closing of the transfer transaction the Future Fund Board will hold 17 to 22% of Telstra shares (held in escrow for a mandatory two years, thereafter sold and proceeds reinvested) and the other 83% will be widely held with no other shareholder expected to hold 10 percent or more of the shares in Telstra. According to the Applicants, the Future Fund Board will not have any of the statutory rights of the Commonwealth related to Telstra conveyed to it and will only have the rights and obligations of other Telstra shareholders, and thus will not have control of Telstra or Telstra USA.

Telstra USA agrees to continue to be classified as a dominant carrier on the U.S. - Australia route pursuant to Section 63.10 of the Commission's rules, 47 C.F.R. § 63.10.

Applicants further request that the Commission condition grant of this application on compliance with the provisions of a November 29, 2001 Agreement by and between Reach Ltd., Telstra Corporation Limited, and the Pacific Century CyberWorks Limited, on the one hand, and the Federal Bureau of Investigation and the U.S. Department of Justice on the other hand (November 29, 2001 Agreement). A copy of the November 29, 2001 Agreement is publicly available in the record of this proceeding and maybe viewed on the FCC web-site through the International Bureau Filing System (IBFS) by searching for ITC-T/C-20061204-00541 and accessing the "Attachment Menu" from the Document Viewing area.

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Transfer of Control

**Current Licensee:** Reach Ltd.**FROM:** The Commonwealth of Australia**TO:** Telstra Corporation Limited

Application for consent to transfer control of international section 214 authorization, ITC-214-20001228-00771, held by Reach Ltd. (Reach), from the Commonwealth of Australia (the Commonwealth) to the shareholders of Telstra Corporation Limited (Telstra). Reach is a joint venture corporation, organized under the laws of Bermuda, a WTO Member country, owned in equal parts by PCCW Limited (PCCW) and Telstra Holdings (Bermuda) (Telstra Bermuda), with each having negative control over Reach. Telstra Bermuda is a wholly-owned, indirect subsidiary of Telstra, a publicly traded corporation organized under the laws of Australia, a WTO Member country.

In the first part of a two part transaction, on November 24, 2006, the Commonwealth of Australia (Commonwealth) sold approximately 30% of Telstra's issued shares, thereby decreasing its holdings in Telstra from 51.8% to approximately 22% (or 17% if all overallocation options are exercised). Although the Commonwealth lost de jure control of Telstra, it continues to maintain de facto control over Telstra pursuant to certain provisions of the Telstra Corporation Act of 1991, as amended, and thus retains negative control over Reach. (See ITC-T/C-20061218-00571, granted DA 06-2567, rel. Dec. 21, 2006)

In the second part of the transaction, the Commonwealth intends to transfer all of its remaining shares of Telstra (approximately 17 to 22%) to the Future Fund Board of Guardians (the Future Fund Board) by no later than February 24, 2007. The Future Fund is a Commonwealth investment fund and separate legal entity from the Commonwealth. Upon closing of the transfer transaction the Future Fund Board will hold 17 to 22% of Telstra shares (held in escrow for a mandatory two years, thereafter sold and proceeds reinvested) and the other 83% will be widely held with no other shareholder expected to hold 10 percent or more of the shares in Telstra. According to the Applicants, the Future Fund Board will not have any of the statutory rights of the Commonwealth related to Telstra conveyed to it and will only have the rights and obligations of other Telstra shareholders, and thus will not have control of Telstra or Telstra Bermuda. After the transfer of the shares from the Commonwealth to the Future Fund, PCCW and Telstra Bermuda will continue to each have 50% ownership of Reach with negative control.

Reach agrees to continue to be classified as a dominant carrier on the U.S.-Australia and U.S.-Hong Kong routes pursuant to Section 63.10 of the Commission's rules, 47 C.F.R. § 63.10.

Applicants further request that the Commission condition grant of this application on compliance with the provisions of a November 29, 2001 Agreement by and between Reach Ltd., Telstra Corporation Limited, and the Pacific Century CyberWorks Limited, on the one hand, and the Federal Bureau of Investigation and the U.S. Department of Justice on the other hand (November 29, 2001 Agreement). A copy of the November 29, 2001 Agreement is publicly available in the record of this proceeding and maybe viewed on the FCC web-site through the International Bureau Filing System (IBFS) by searching for ITC-T/C-20061204-00541 and accessing the "Attachment Menu" from the Document Viewing area.

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**INFORMATIVE****ITC-T/C-20061128-00533**

Impsat USA, Inc.

This application has been removed from Streamlined processing pursuant to Section 63.12(c)(3) of the Commission's 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.

A current version of Section 63.09-.24 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>.