



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-01462NS

Tuesday October 26, 2010

NON STREAMLINED INTERNATIONAL APPLICATIONS/PETITIONS ACCEPTED FOR FILING

Section 214 Applications (47 C.F.R. § 63.18); 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. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments.

Unless otherwise specified, 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 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 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.

Petition for Declaratory Ruling

Digicel USA, MW LLC, (Digicel or the "Petitioner") requests a declaratory ruling under section 310(b)(4) of the Communications Act of 1934, as amended, 47 U.S.C. §310(b)(4), that it would serve the public interest to allow up to 100% indirect foreign ownership of Digicel. Digicel filed its petition in conjunction with its application for consent to operate a point-to-point common carrier microwave link.

According to Digicel, the proposed microwave link will involve a duplex transmission between a planned terminal on Wintberg Peak in the United States Virgin Islands ("U.S.V.I.") and a cooperating terminal on Todmans Peak in the British Virgin Islands ("B.V.I."). Digicel further maintains that the proposed link will interconnect existing, operational Digicel CMRS facilities in the B.V.I. with telecommunications infrastructure in the U.S.V.I. and conterminous U.S. and would be complementary of Digicel's existing telecommunications network assets, and would be immediately put into meaningful service. See ULS File No.0004429417.

Digicel is a Delaware entity and is wholly owned by Digicel USA, Inc., also a Delaware corporation, which is wholly owned by Digicel (Jamaica) Limited, an entity organized under the laws of Jamaica, a World Trade Organization (WTO) Member country. Digicel (Jamaica) Limited is wholly owned by Digicel Caribbean Limited (St. Lucia) IBC, which, in turn is wholly owned by Digicel International Finance Limited, both of which are organized under the laws of St. Lucia, a WTO Member country. Digicel International Finance Limited is wholly owned Digicel Holdings (Bermuda) Limited, which in turn is wholly-owned by Digicel Limited, which in turn is wholly owned by Digicel Group Limited, which is 99.9% owned by Digicel Investments Limited; all four entities are organized under the laws of Bermuda, a WTO Member country. Denis O'Brien, a citizen of Ireland, a WTO Member country, owns all outstanding shares of Digicel Group Limited. According to the Petitioner, the Digicel group maintains its center of operations in Jamaica, and all officers and directors of each of the foreign-organized holding companies in the hierarchical group structure are nationals of Ireland and the United Kingdom, a WTO Member country. Thus, according to the Petitioner, 99.9% of Digicel's ownership and all of its management are citizens of WTO Member countries.

The Petitioner asserts that, pursuant to the rules and policies established by the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), the public interest would be served by permitting the indirect foreign ownership of Digicel in excess of the 25 percent benchmark in section 310(b)(4) of the Act.

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 Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

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.

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