

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

DEC 12 2001

OFFICE OF
MANAGING DIRECTOR

David A. O'Connor
Holland & Knight
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

file 2/5

Re: Petition for Waiver of Regulatory Fees
Fee Control No.: 0109188835554002

Dear Mr. O'Connor:

This letter is in response to your request, submitted on behalf of RSL COM U.S.A., Inc., for waiver and refund, pursuant to Section 1.1166 of the Commission's Rules, 47 C.F.R. § 1.1166, of interstate telephone service provider regulatory fees in the amount of \$79,339.00 paid for Fiscal Year 2001.

You state that RSL USA filed a voluntary petition for bankruptcy on March 16, 2001 under Chapter XI of the Bankruptcy Code and that the public interest would be served by enabling RSL USA to preserve assets that will accrue to innocent creditors.

Section 1.1166 of the Commission's Rules, 47 C.F.R. § 1.1166, provides that regulatory fees may be waived upon a showing of good cause and a finding that the public interest will be served thereby. We find that RSL USA's filing of a Chapter XI petition in bankruptcy court substantiates its claim of financial hardship and demonstrates good cause for waiver of its regulatory fees. See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995) (evidence of bankruptcy or receivership sufficient to establish financial hardship for purposes of waiver of regulatory fees). Therefore, your request for waiver of the provisions of Section 1.1166 and for refund of regulatory fees is granted.

A check made payable to the maker of the original check, and drawn in the amount of \$79,339.00, will be sent to you at the earliest practicable time. If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

Law Offices

HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
www.hklaw.com

ORIGINAL

010918833354002

Annapolis	New York
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Los Angeles	Tampa
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Rio de Janeiro	Tokyo
* Representative Office	

RECEIVED

OCT 17 2001

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

October 17, 2001

DAVID A. O'CONNOR
202-828-1889

Internet Address:
doconnor@hklaw.com

VIA HAND DELIVERY

Magalie Roman Salas, Esq.
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

ATTN: OFFICE OF MANAGING DIRECTOR

Re: RSL COM U.S.A., Inc.
Request for Waiver of 2001 Regulatory Fee

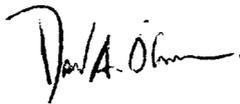
Dear Ms. Salas:

Transmitted herewith, on behalf of RSL COM U.S.A., Inc., are an original and four (4) copies of its Request for Waiver of the Commission's 2001 regulatory fee. No filing fee is required pursuant to the Commission's rules.

An extra copy of the filing is enclosed. Please date-stamp the copy and return it to the courier for return to me.

If you have any questions, please contact the undersigned.

Respectfully submitted,



David A. O'Connor
Counsel for RSL COM U.S.A., Inc.

Enclosure

RECEIVED
 OCT 19 2001
 2001 OCT 19 P 3:16
 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Request for Waiver of 2001) OMD Docket No. _____
Regulatory Fee by)
RSL COM U.S.A., Inc.)

To: Managing Director, Office of Managing Director

**REQUEST FOR WAIVER OF 2001
REGULATORY FEE**

RSL COM U.S.A., Inc. ("RSL USA"), by its attorneys, and pursuant to Sections 1.1117(c), 1.1166(a) and 1.1166(c) of the Commission's rules, 47 C.F.R. §§ 1.1117(c), 1.1166(a), (c), hereby petitions the Managing Director of the Office of Managing Director ("OMD") for a waiver of the Commission's 2001 regulatory fee requirement and for reimbursement of the regulatory fee paid by RSL USA on September 17, 2001. RSL USA requests this waiver and reimbursement because during 2001 the company filed for bankruptcy protection.

Specifically, on March 16, 2001, RSL USA filed a voluntary petition for reorganization pursuant to the provisions of Chapter 11 of the U.S. Bankruptcy Code in the Southern District of New York. A copy of the voluntary petition is attached hereto as Exhibit 1. At present, RSL USA continues to provide service to its customers, and intends to do so for the foreseeable future while it seeks to reorganize its debt obligations.

On September 17, 2001, RSL USA submitted payment of \$79,339.00 in payment of its 2001 FCC regulatory fee obligations. A copy of the payment and FCC Form 159 is attached hereto as Exhibit 2.

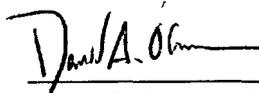
Commission precedent establishes that the bankrupt status of a company constitutes good cause for waiver of regulatory fees. *See Implementation of Section 9 of the Communications Act Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, 10 FCC Rcd 12759, 12762 (1995) (finding evidence of bankruptcy or receivership sufficient to establish financial hardship for purposes of waiver of regulatory fees); *see also Mobilemedia Corp., Memorandum Opinion and Order*, FCC 99-15, 14 FCC Rcd 8017, para. 40 (rel. Feb. 5, 1999) (waiver of FCC filing fees justified where company is in bankruptcy). Moreover, waiver of the fee will serve the public interest by enabling RSL USA to preserve assets that will accrue to innocent creditors.

Accordingly, for the reasons set forth above, RSL USA requests the return of the \$79,339.00 payment it made to the Commission on September 17, 2001.

Respectfully submitted,

RSL COM U.S.A., Inc.

By:



Eric Fishman, Esq.

David A. O'Connor, Esq.

Its Attorneys

Holland & Knight LLP
2099 Pennsylvania Ave., NW
Suite 100
Washington, DC 20006
(202) 828-1889

October 17, 2001

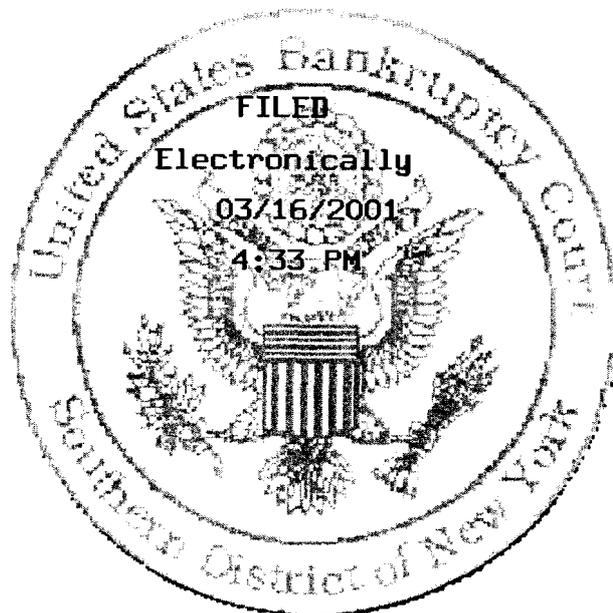
EXHIBIT 1

**United States Bankruptcy Court
Southern District of New York**

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 11 of the United States Bankruptcy Code on 03/16/2001 at 4:33 PM.

RSL COM U.S.A., Inc.
1001 Brinton Road
Pittsburgh, PA 15221
Tax id: 11-3044583



The case was filed by the debtor's attorney:

Allison H. Weiss
LeBoeuf, Lamb, Greene & MacRae, LLP
125 West 55th Street
New York, NY 10019
(212) 424-8069

The case was assigned case number 01-11469 to Judge Allan L. Gropper.

The filing of a bankruptcy case automatically stays certain actions against the debtor and the debtor's property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://ecf.nysb.uscourts.gov/index.html> or at the Clerk's Office in Manhattan, White Plains or Poughkeepsie.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

**Kathleen Farrell
Clerk, U.S.
Bankruptcy Court**

EXHIBIT 2

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

Please stamp and return to **Approved by OMB**
FEDERAL COMMUNICATIONS COMMISSION AND KNIGHT LLP 3060-0589
REMITTANCE ADVICE Page No 1 of 1

(1) LOCKBOX #
358835

SPECIAL USE
FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)
RSL COM U.S.A., Inc. (3) TOTAL AMOUNT PAID (U.S. Dollars and cents)
\$79,339.00

(4) STREET ADDRESS LINE NO. 1
c/o Holland & Knight LLP, Attn: Linda Hartman

(5) STREET ADDRESS LINE NO. 2
2099 Pennsylvania Avenue, NW, Suite 100

(6) CITY Washington (7) STATE DC (8) ZIP CODE 20006

(9) DAYTIME TELEPHONE NUMBER (include area code) 202-457-1836 (10) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN) 0003-510-252 (12) PAYER (TIN) 11-3044583

**IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)**

(13) APPLICANT NAME
RSL COM, U.S.A., Inc.

(14) STREET ADDRESS LINE NO. 1
1001 Brinton Road

(15) STREET ADDRESS LINE NO. 2

(16) CITY Pittsburgh (17) STATE PA (18) ZIP CODE 15221

(19) DAYTIME TELEPHONE NUMBER (include area code) (20) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN) (22) APPLICANT (TIN) 11-3044583

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID 809836-2001 (24A) PAYMENT TYPE CODE 0172 (25A) QUANTITY \$60,106,040.00

(26A) FEE DUE FOR (PTC) (27A) TOTAL FEE 79,339.00 FCC USE ONLY

(28A) FCC CODE 1 \$60,106,040.00 (29A) FCC CODE 2 \$0

(23B) CALL SIGN/OTHER ID (24B) PAYMENT TYPE CODE (25B) QUANTITY

(26B) FEE DUE FOR (PTC) (27B) TOTAL FEE FCC USE ONLY

(28B) FCC CODE 1 (29B) FCC CODE 2

SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT
I, David A. O'Connor, certify under penalty of perjury that the foregoing and supporting information is true and correct to
the best of my knowledge, information and belief. SIGNATURE David A. O'Connor DATE 9/17/01

SECTION E - CREDIT CARD PAYMENT INFORMATION

(31) MASTERCARD VISA
MASTERCARD/VISA ACCOUNT NUMBER: _____ EXPIRATION _____

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described.

SIGNATURE _____ DATE _____

Federal Communication Commission
Interstate Telephone Service Provider Regulatory Fee

Approved by OMB
 3060-0949

This packet contains the 2001 FCC Regulatory Fee Worksheet Form 159-W and a Remittance Advice Form 159. The Form 159-W worksheet below has been completed using information from your previously submitted Form 499-A. If any of this information is incorrect, please enter the correct figures on the blank worksheet enclosed and recalculate your regulatory fee. If your regulatory fee (line 16) is less than \$10, you are not required to file or remit payment. If your fee is \$10 or more, please remit the fee along with a completed Remittance Advice Form 159 and a correct Regulatory Fee Worksheet Form 159-W.

If you owe \$10 or more, you must complete and file a Form 159

Attention:
 Filing must be received by September 21, 2001. See Public Notice.

1795 RSL Com USA
 430 Park Ave.
 5th Floor
 New York, NY 10022

If the information in the below Form 159-W is correct, use figures to the right to complete your Remittance Advice Form 159.

Block (22) - Applicant TIN
 11-3044583

FRN - CORESID (if included on your Form 499-A)

Block (23A) - FCC Call Sign/Other ID [Filer 499 ID] - [Fee Year]	809836-2001
Block (24A) - Payment Type Code	0172
Block (25A) - Quantity [Your regulatory fee base]	\$60,106,040
Block (27A) - Total Fee	\$79,339
Block (28A) - FCC CODE 1 [Interstate & Intl. end-user revenues]	\$60,106,040
Block (29A) - FCC CODE 2 [excluded interstate end-user revenues]	\$0

Form 159-W Regulatory Fee Worksheet (based on your Form 499-A filing)

Calendar 2000 revenue information shown in whole dollars		
1	Service provided by U.S. carriers that both originates and terminates in foreign points. Form 499-A Line 412 (e)	\$0
2	Interstate end-user revenues from all telecommunications services. Form 499-A Line 420 (d)	\$46,482,004
3	International end-user revenues from all telecommunications services except international-to-international. Form 499-A Line 420 (e)	\$13,624,036
4	Total interstate and international end-user revenues (Sum of Lines 1, 2 and 3) Note: also enter this number on Block (28A) - "FCC Code 1".	\$60,106,040
5	End-user interstate mobile service monthly and activation charges. Form 499-A Line 409 (d)	\$0
6	End-user international mobile service monthly and activation charges. Form 499-A Line 409 (e)	\$0
7	End-user interstate mobile service message charges including roaming charges but excluding toll charges. Form 499-A Line 410 (d)	\$0
8	End-user international mobile service message charges including roaming charges but excluding toll charges. Form 499-A Line 410 (e)	\$0
9	End-user interstate satellite service. Form 499-A Line 416 (d)	\$0
10	End-user international satellite service. Form 499-A Line 416 (e)	\$0
11	Surcharges on mobile and satellite services identified as recovering universal service contributions and included in Line 403 (d) or 403 (e) on your FCC Form 499-A. [Note: you may not include surcharges applied to local or toll services, nor any surcharges identified as intrastate surcharges.]	\$0
12	Interstate and international revenues from resellers that do not contribute to USF. Form 499-A Line 511 (b)	\$0
13	Total excluded end-user revenues. (Sum Lines 5 through 12.) Note: also enter this number on Block (29A) - "FCC Code 2".	\$0
14	Total subject revenues. (Line 4 minus Line 13) Note: also enter this number on Block (25A) - "Quantity".	\$60,106,040
15	Interstate telephone service provider fee factor	0.00132
16	2001 Regulatory Fee (Line 14 times Line 15)* Note: also enter this number on Block (27A) - "Total Fee"	\$79,339

* You are exempt if the amount on Line 16 is Less than \$10. If you file, you MUST complete a Form 159. Please also include a copy of the FCC Form 159-W.

If the above revenue data does not correspond to your 499-A filing, please contact the Form 499 Data Collection Agent at 973-560-4460

Attention: Filing must be received by September 21, 2001. See Public Notice.

FCC FORM 159-W
 July 2001

Federal Communications Commission
September 17, 2001
Page 3

bc w/FCC receipt-stamped copy:

Patty Baldwin

Richard Nelson, Esq.

Law Offices

HOLLAND & KNIGHT LLP

2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

202-955-3000
FAX 202-955-5564
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Miami	West Palm Beach
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Caracas*	São Paulo
Mexico City	Tel Aviv*
Rio de Janeiro	Tokyo
*Representative Office	

September 17, 2001

DAVID A. O'CONNOR
202-828-1889

Internet Address:
doconnor@hklaw.com

VIA CAPITAL FILING SPECIALISTS

Federal Communications Commission
Regulatory Fees
P.O. Box 358835
Pittsburgh, PA 15251-5835

Re: RSL COM U.S.A., Inc.
2001 Annual Regulatory Fee Payment

Dear Sir or Madam:

Transmitted herewith, on behalf of RSL COM U.S.A., Inc. ("RSL USA"), are an original of its Remittance Advice and a check in the amount of \$79,339.00 in payment of its 2001 Federal Communications Commission Regulatory Fee.

Please note that all future correspondence concerning RSL USA should be addressed as follows:

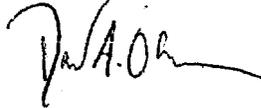
Linda Hartman
Holland & Knight LLP
2099 Pennsylvania Avenue, NW, Suite 100
Washington, DC 20006-6801

It is requested that a stamped file copy of the enclosed filing be returned to us by our courier.

Federal Communications Commission
September 17, 2001
Page 2

In the event that there are any questions concerning this payment, please contact the undersigned or Linda Hartman of this office, at 202-457-1836.

Very truly yours,

A handwritten signature in black ink, appearing to read "D.A. O'Connor", written in a cursive style.

David A. O'Connor

Enclosures

Payment Transactions Detail Report

Date: 11/14/2001

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name			Fcc Account Number	Payer TIN	Received Date					
0109188835554002	RSL COM USA INC			WP00042450	0113044583	9/17/2001 00:00:0					
	2099 PENNSYLVANIA AVENUE NW										
	SUITE 100										
	WASHINGTON	DC	20006								
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$79,339.00	\$79,339.00	1	0172	106040	8098362001	RSL COM USA INC	15221		\$26,541.00	1	PMT
\$79,339.00	\$79,339.00	2	0172	000000	8098362001	RSL COM USA INC	15221		\$26,399.00	1	PMT
\$79,339.00	\$79,339.00	3	0172	000000	8098362001	RSL COM USA INC	15221		\$26,399.00	1	PMT
Total									\$79,339.00		