

WILKINSON) BARKER) KNAUER) LLP

2300 N STREET, NW
SUITE 700
WASHINGTON, DC 20037
TEL 202.783.4141
FAX 202.783.5851
www.wbklaw.com

RECEIVED

August 16, 2002

AUG 16 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *IB Docket No. 02-111; Request Pursuant to 47 C.F.R. §§ 0.457(d) and 0.459 for Confidential Treatment of Attachments 9A and 9B to Responses to International Bureau Information Requests*

Dear Ms. Dortch:

This letter is submitted on behalf of Pacific Telecom Inc. ("PTI") as part of the responses to the August 1, 2002, information requests from James L. Ball, Chief, Policy Division, International Bureau, in the above-referenced docket.

By separate letter of even date addressed to Mr. Ball, PTI responds to the Federal Communication Commission's ("FCC" or "Commission") information requests and has no objection to those responses and associated attachments being made routinely available for public inspection. Pursuant to Sections 0.457(d) and 0.459 of the Commission's rules, however, PTI requests that the material submitted as Attachment 9A and 9B in response to Information Request No. 9 be withheld from public inspection.¹

Information Request No. 9 seeks "[a] demonstration that PTI has the financial ability to acquire the cellular system licensed under call sign KNKN616 as required by Section 22.937 of the Commission's rules, 47 § 22.937, and related Commission precedent." We note that the

¹ Section 0.457(d)(2) of the Commission's rules allows persons submitting materials that they wish withheld from public inspection in accordance with Exemption 4 of the Freedom of Information Act ("FOIA") to file a request for non-disclosure. 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d). The requirements governing such requests are set forth in Section 0.459(b). A request seeking confidential treatment of the response to Information Request No. 3 is filed under separate cover.

No. of Copies rec'd 0+1
List ABCDE

Ms. Marlene H. Dortch
August 16, 2002
Page 2

Commission voted to eliminate Section 22.937 of the rules at its open meeting of August 8, 2002, as part of its streamlining of the Part 22 rules (WT Docket No. 01-108). Moreover, longstanding FCC precedent holds that the requirement in Section 22.937 that the applicant demonstrate the ability to operate the station for one year refers to unbuilt facilities only. *Metro Mobile CTS, Inc.*, 8 FCC Rcd 8675, 8678 (1993). Where an operational facility is sought to be transferred, a transferee need only show a reasonable assurance of its ability to finance the acquisition. *Id.* See also *Robert L. Kile*, 5 FCC Rcd 513, 514 (1990). In practice, cellular transferees routinely rely upon public knowledge of their creditworthiness and do not submit -- nor have they been required to submit -- audited financial statements or balance sheets with their applications.

In any event, PTI submits two documents responsive to Information Request No. 9, each with a coversheet marked "IB Docket No. 02-111. Response to Information Request No. 9. MATERIAL TO BE WITHHELD FROM PUBLIC INSPECTION."

Information in support of PTI's request for confidential treatment, and responsive to Section 0.459(b) of the Commission's rules is provided below:

1. Attachment 9A includes two letters from financial institutions attesting to the value of the accounts held by Ricardo C. Delgado and his son Jose Ricardo Delgado, the ultimate owners of Prospector Investment Holdings Inc, the fifty percent shareholder of PTI. Attachment 9B is a copy of the most recent final audited financial statements of privately held Tan Holdings Corporation, the parent corporation of PTI's thirty percent shareholder, THC Communications Corporation.
2. The relevant FCC proceeding is IB Docket No. 02-111.
3. The attachments clearly relate to financial matters that are confidential because they concern the private financial affairs of private individuals or privately held corporations.
4. This factor relating to the competitiveness of communications services is not relevant to the attachments at issue.
5. Disclosure of the private financial information could result in substantial competitive harm because competitors would be aware of the extent of the parties' financial resources.
6. PTI has submitted the attachments only to the Commonwealth Telecommunications Commission ("CTC") in the Commonwealth of the Northern Mariana Islands and

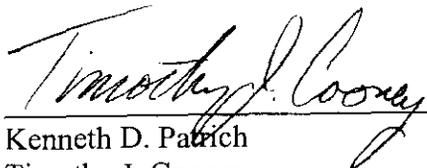
Ms. Marlene H. Dortch
August 16, 2002
Page 3

only under a request of confidentiality. The CTC has honored the request for confidentiality.

7. Except as noted above, PTI has not previously disclosed the attachments to third parties, and they are not available to the public.
8. Because the attachments relate to the finances of private individuals and a privately held corporation, PTI requests continuing confidential treatment of the attachments.
9. Not only does PTI request that the attachments be withheld from public inspection for the confidentiality of PTI's shareholders, but one of the financial institutions whose letter is included in Attachment 9A expressly requests that the recipient "will hold [the letter] in strict confidence, divulging neither its source nor its contents."

Please contact the undersigned attorneys for PTI if you have any questions.

Respectfully submitted,



Kenneth D. Patrich
Timothy J. Cooney
Wilkinson Barker Knauer, LLP
2300 N Street, NW, Suite 700
Washington, D.C. 20037
202-783-4141
202-783-5851
Attorneys for Pacific Telecom Inc.

August 16, 2002

cc: Attached Service List (w/o enclosure)
Peter D. Shields, counsel for Bell Atlantic New Zealand Holdings, Inc.
Jennifer D. Hindin, counsel for Bell Atlantic New Zealand Holdings, Inc.

CERTIFICATE OF SERVICE

I, Felicia Lane, a legal secretary at Wilkinson Barker Knauer, LLP certify that on August 16, 2002, the foregoing was served on all parties listed below by hand delivery (indicated by asterisk) and U.S. mail, first class, postage prepaid.

James L. Ball*
Chief, Policy Division
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6C-749
Washington, D.C. 20554

Gardner Foster*
Policy Division, International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-A625
Washington, D.C. 20554

John Branscome*
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 4-A161
Washington, D.C. 20554

Susan O'Connell*
Policy Division, International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-A847
Washington, D.C. 20554

Tracey Wilson*
Competition Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W., Room 5-C437
Washington, D.C. 20554

David Strickland*
Policy Division, International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-A847
Washington, D.C. 20554

Erin McGrath*
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 4-B454
Washington, D.C. 20554

Neil A. Dellar*
Transaction Team, Office of the
General Counsel
Federal Communications Commission
445 12th Street, S.W., Room 8-C818
Washington, D.C. 20554

Qualex International*
445 12th Street, S.W.
Room CY-B402
Washington, D.C. 20554

Carl T. C. Gutierrez
Governor, Territory of Guam
Post Office Box 2950
Hagatna, GU 96932

Robert F. Kelley, Jr., Principal Consultant
Telecommunications Advisor to the Governor
Management Communications Services
590 South Marine Drive, Suite 302
Tamuning, GU 96911

Robert F. Kelley, Jr.
Advisor to the Governor
Office of the Governor
Territory of Guam
Post Office Box 2950
Hagatna, GU 96910

Juan N. Babauta
Governor
Commonwealth of the
Northern Mariana Islands
Box 10007
Saipan, MP 96950

Robert T. Torres
Attorney General
Commonwealth of the
Northern Mariana Islands
Box 10007
Saipan, MP 96950

Representative Jesus T. Attao
House of Representatives
Thirteenth Northern Marianas
Commonwealth Legislature
Commonwealth of the Northern
Mariana Islands
Post Office Box 500586
Saipan, MP 96950-0586

Representative Joe P. Deleon Guerrero
House of Representatives
Thirteenth Northern Marianas
Commonwealth Legislature
Commonwealth of the Northern
Mariana Islands
Saipan, MP 96950

Representative Gloria Dlc. Cabrera
House of Representatives
Thirteenth Northern Marianas
Commonwealth Legislature
Commonwealth of the Northern
Mariana Islands
Post Office Box 500586
Saipan, MP 96950-0586

Diego T. Benavente
Lt. Governor
Commonwealth of the
Northern Mariana Islands
Box 10007
Saipan, MP 96950

Representative Stanley T. Torres
House of Representatives
Thirteenth Northern Marianas
Commonwealth Legislature
Commonwealth of the Northern
Mariana Islands
Post Office Box 500586
Saipan, MP 96950-0586

Representative Andrew S. Sala
House of Representatives
Thirteenth Northern Marianas
Commonwealth Legislature
Commonwealth of the Northern
Mariana Islands
Post Office Box 500586
Saipan, MP 96950-0586

Thomas K. Crowe
Law Offices of Thomas K. Crowe, P.C.
2300 M Street, N.W.
Suite 800
Washington, D.C. 20037

Representative Benjamin B. Seman
House of Representatives
Thirteenth Northern Marianas
Commonwealth Legislature
Commonwealth of the Northern
Mariana Islands
Post Office Box 500586
Saipan, MP 96950-0586

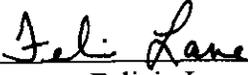
Diego M. Songao, Chairman
CNMI Senate Committee on Public
Utilities, Transportation and Communications
Thirteenth Northern Marianas
Commonwealth Legislature
Commonwealth of the Northern
Mariana Islands
Saipan, MP 96950

Patrick W. Kelley
Deputy General Counsel
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

John G. Malcolm
Deputy Assistant Attorney General
Criminal Division
United States Department of Justice
10th Street & Constitution Avenue, N.W.
Washington, D.C. 20530

Anthony A. Das
Senior Vice President/Managing Director
for Asia and the Pacific
PCI Communications, Inc.
135 Chalan Santo Papa, Suite 101
Hagatna, GU 96910

Richard Salgado, Trial Attorney
Computer Crime Section
U.S. Department of Justice
1301 New York Avenue, N.W, Suite 600
Washington, D.C. 20053



Felicia Lane