

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 7 2002

Claudette

OFFICE OF  
MANAGING DIRECTOR

Michael Grossman  
Associate Counsel  
Viatel, Inc.  
245 Park Avenue, 24<sup>th</sup> Floor  
New York, New York 10167

Re: Request for Waiver of FY 2001  
Regulatory Fees  
Fee Control No. 00000RROG-02-059  
Bill # 02CCB0004

Dear Mr. Grossman:

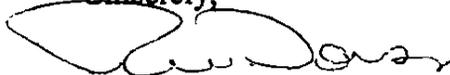
**This** letter is in response to your request for waiver of the Fiscal Year (FY) 2001 regulatory fees submitted on behalf of Viatel Services, Inc., subsidiary of Viatel, Inc.

You recite that Viatel Services, Inc. received a letter from the Commission dated February 8, 2002 requesting payment of FY 2001 regulatory fees and penalties in the total amount of \$440,612.50. You state that on May 2, 2001 Viatel, Inc. and all its domestic subsidiaries, including Viatel Services, Inc. **filed** for relief under Chapter 11 of the United States Bankruptcy Code in the District of Delaware. **Also** on that date you state that Viatel Services, Inc. discontinued the provision of all telecommunication services in the United States. Based on the foregoing, you request a waiver of the fees.

The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership is sufficient to establish financial hardship. See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). You have presented documentation confirming that Viatel Services, Inc. filed a voluntary petition under Chapter 11 of the Bankruptcy Code on May 2, 2001. Accordingly your request for waiver of the FY 2001 regulatory fees is granted and Bill No. 02CCB0004 will be canceled.

If you have any **questions** concerning this letter, please contact the Revenue and Receivable **Operations** Group at (202) 418-1995.

Sincerely,



 Mark A. Reger  
Chief Financial Officer



00000RR06-02-059

Viatel, Inc.  
245 Park Avenue, 24<sup>th</sup> Floor  
New York, NY 10167  
Phone: (212) 792-4000  
Fax: (212) 7924397

March 7, 2002

Federal Communications Commission  
Revenue & Receivables Operations Group, Room 1A821  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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Re: Viatel Services, Inc. - Filer ID 815574

Dear Sir or Madam:

We are in receipt of the Commission's letter, dated February 8, 2002, requesting payment of \$440,612.50 for FY 2001 regulatory fees and penalties. Viatel Services hereby files this letter with the Commission in order to **notify** the Commission of Viatel Services' bankruptcy status and to assert that Viatel Services is not required to pay the FY 2001 regulatory fees.

Please be advised that on May 2, 2001, Viatel, Inc. and all of its U.S. subsidiaries, including Viatel Services, filed for relief under Chapter 11 of the U.S. Bankruptcy Code in the District of Delaware (case numbers 01-1599 through 01-1623). A copy of the Notice of Commencement of Chapter 11 Bankruptcy Cases is enclosed for your convenience. Also on May 2, 2001, Viatel Services discontinued the provision of all telecommunication services in the United States. Since May 2, 2001, Viatel Services has had no customers in the United States. Accordingly, Viatel Services is no longer a provider of any telecommunication services within the United States.

The primary purpose of the Commission's regulatory fees is to enable the Commission to recoup its expenses during the fiscal year. Viatel Services does not believe that it should help pay for the Commission's expenses, when it has not provided my telecommunication services in the United States since May 2, 2001, in addition, since the FY 2001 regulatory fees are based on Viatel Services' pre-petition status, they are deemed a pre-petition debt. Under the Bankruptcy Code a debtor is forbidden to pay any pre-petition debt.

Based on the foregoing, we believe that Viatel Services is not required to pay the Commission's FY 2001 regulatory fees. If the Commission believes that it has a claim against Viatel Services, then it should contact either (i) Logan & Company (877-817-7620), the Claims Agent for Viatel's bankruptcy proceeding or (ii) Megan Cleghorn, Esq. of the law firm of Skadden, Arps, Slate, Meagher & Flomm (302-651-3000), who have been retained by Viatel to handle the bankruptcy proceedings.

If you have any questions regarding the foregoing, please contact me at 212-792-4357. Thank you for your assistance in this matter.

Very truly yours,

Michael Grossman  
Associate Counsel

Enclosure

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	X	Chapter 11
VIATEL, INC., et al.	:	Case No. 01-1599 (JJF)
Debtors.	:	Jointly Administered

**NOTICE OF COMMENCEMENT OF CHAPTER 11 BANKRUPTCY CASES,  
MEETING OF CREDITORS AND FIXING OF CERTAIN DATES**

On May 2, 2001, the above-captioned debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors") filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 through 1330 (the "Bankruptcy Code"). The Debtors and their respective addresses, case numbers and federal tax identification numbers are as follows:

DEBTOR <small>(Other names, if any, used by the Debtor in the last 6 years appear in brackets)</small>	ADDRESS	CASE NO.	EID #
Viatel, Inc.	685 Third Avenue New York, NY 10017	01-1599	13-3787366
Viatel Communications, Inc. (Destia Communications, Inc. and Econophone, Inc.)	685 Third Avenue New York, NY 10017	01-1600	11-3132722
Viatel Argentina Holdings, Inc.	685 Third Avenue New York, NY 10017	01-1601	13-4020320
Viatel Services, Inc. (Econophone Permit, Inc., Econophone Services, Inc. and Destia Communications Services, Inc.)	685 Third Avenue New York, NY 10017	01-1602	13-3993205
Viatel Financing Trust I	685 Third Avenue New York, NY 10017	01-1603	13-4112595
Viatel Development Company	685 Third Avenue New York, NY 10017	01-1604	13-4039781
Voicecel Corporation	685 Third Avenue New York, NY 10017	01-1605	11-3251051
Viatel Finland, Inc.	685 Third Avenue New York, NY 10017	01-1606	13-4021314
Viatel Argentina Management, Inc.	685 Third Avenue New York, NY 10017	01-1607	13-4020324
Viatel Global Communications, Ltd.	685 Third Avenue New York, NY 10017	01-1608	13-4021310
Viatel Brazil Holdings, Inc.	685 Third Avenue New York, NY 10017	01-1609	13-4021315
Viatel Nebraska, Inc.	685 Third Avenue New York, NY 10017	01-1610	13-3949662
Viatel Brazil Management, Inc.	685 Third Avenue New York, NY 10017	01-1611	13-4021317
Viatel New Jersey, Inc.	685 Third Avenue New York, NY 10017	01-1612	13-4021313
Viatel Cable Assets Inc.	685 Third Avenue New York, NY 10017	01-1613	Pending
Viatel Sales U.S.A., Inc.	685 Third Avenue New York, NY 10017	01-1614	22-3483546
Viatel Circo Cable System, Limited	685 Third Avenue New York, NY 10017	01-1615	13-4028929
Viatel Sweden, Inc.	685 Third Avenue New York, NY 10017	01-1616	13-3949664
Viatel Colombia Holdings, Inc.	685 Third Avenue New York, NY 10017	01-1617	13-3949663
Viatel Colombia Management, Inc.	685 Third Avenue New York, NY 10017	01-1618	13-3949665
Viatel Virginia, Inc.	685 Third Avenue New York, NY 10017	01-1619	Pending
Viatel Rasco, Inc.	685 Third Avenue New York, NY 10017	01-1620	Pending
YYC Communications, Inc.	685 Third Avenue New York, NY 10017	01-1621	13-3827892
DESTIA.COM, INC.	685 Third Avenue New York, NY 10017	01-1622	22-3652963
Off the Mall Advertising Inc.	685 Third Avenue New York, NY 10017	01-1623	22-3641732

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DATE, TIME AND LOCATION OF MEETING OF CREDITORS. June 22, 2001 at 1:00 p.m., 844 King Street, Room 237, Wilmington, Delaware

DEADLINE TO FILE A PROOF OF CLAIM. Notice of a deadline will be sent at a later time.

NAME, ADDRESS AND TELEPHONE NUMBER OF TRUSTEE. None appointed to date.

ACCOUNT PROCESSING  
GROUP-DPT/RPT/TMT

COUNSEL FOR THE DEBTOR(S)

J. Gregory Milmo  
D. J Baker  
Cheri Hoff  
Skadden, Arps, Slate, Meagher  
& Flom LLP  
Four Times Square  
New York, New York 10036  
(302) 254-3000

Gregg M. Galardi  
Skadden, Arps, Slate, Meagher  
& Flom LLP  
One Rodney Square  
Wilmington, Delaware 19899-0636  
(302) 254-3000

COMMENCEMENT OF CASES. Petitions under chapter 11 of the Bankruptcy Code have been filed in this Court by the Debtors listed above, and relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the Court, including lists of the Debtor's property and debts, are available for inspection at the Office of the Clerk of the Bankruptcy Court. In addition, such documents may be available at [www.deb.uscourts.gov](http://www.deb.uscourts.gov).

PURPOSE OF CHAPTER 11 FILING. Chapter 11 of the U.S. Bankruptcy Code enables a debtor to restructure its debt pursuant to a plan. A plan is effective unless approved by the court at a confirmation hearing. Creditors will be given notice concerning any plan, or in the event the case is dismissed or converted to another chapter of the Bankruptcy Code. The Debtors will remain in possession of their property and will continue to operate any business until a trustee is appointed.

CREDITORS MAY NOT TAKE CERTAIN ACTIONS. A creditor is anyone to whom a debtor owes money or property. Under the Bankruptcy Code, a creditor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting a debtor to demand repayment, taking action against a debtor to collect money owed to creditors or to take property of a debtor, and starting or continuing foreclosure actions or repossession of the property of a debtor should review § 362 of the Bankruptcy Code and may wish to seek legal advice. The staff of the Clerk of the Bankruptcy Court is not permitted to give legal advice.

MEETING OF CREDITORS. The Debtors' representative, as specified in Rule 9001(5) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may examine the Debtors and transact such other business as properly comes before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to the creditors.

CLAIMS. Schedules of creditors will be filed pursuant to Bankruptcy Rule 1007. Any creditor holding a scheduled claim which is not listed as contingent, or unliquidated as to amount may, but is not required to, file a proof of claim in these cases. Creditors whose claims are not scheduled or whose claims are listed as disputed, contingent, or unliquidated as to amount and who desire to participate in the cases or share in any distribution must file the proof of claim. A creditor who desires to rely on the schedule of creditors has the responsibility for determining that the claim is listed accurately. Separate proof of claim forms will be provided to the Debtors' known creditors. Proof of claim forms also are available from the Court's web site at [www.deb.uscourts.gov](http://www.deb.uscourts.gov). Logan and Company is the claims agent in these cases and can provide a proof of claim form if you cannot obtain one from your local bankruptcy court. Logan & Company can be reached as follows:

Logan & Company, Inc.  
c/o Viatel, Inc.  
546 Valley Road  
Upper Montclair, NJ 07043  
(866) 727-0859

DISCHARGE OF DEBTS. Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141(d). A discharge means that you may never try to collect the debt from the debtor, except as provided in the plan.

By: David D. Bird

Dated: May 30, 2001

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR  
Viatel Services, Inc.  
685 Third Ave.  
24th Floor  
New York NY 10017

FEB 08 2002

Re: 02-CCB0004

Dear Regulatee:

This letter is in reference to the Fiscal Year (FY) 2001 regulatory fees, which were due to the Federal Communications Commission (Commission) during the period, September 10-26, 2001. These are mandatory fees established by Congress in accordance with the Omnibus Budget Reconciliation Act of 1993. The fees are used to offset costs associated with the Commission's enforcement, public service, international, policy, and rulemaking activities. An unpaid regulatory fee is a debt owed to the United States, see (31 U.S.C. §3701).

The Commission is verifying its FY 2001 regulatory fees collection to identify those regulatees who have not paid. We have no record of receiving the FY 2001 regulatory fee under the following FCC Form 499-A Filer W and Taxpayer Identification Number (TIN):

FCC Form 499-A Filer ID: 815574      TIN: 13-3993205

We have examined your most recent FCC Form 499-A, and it appears that you owe the FY 2001 regulatory fee of \$352,490. If this amount is correct, and you have not yet paid this fee, then you also owe a 25% penalty, which penalty equals 88,122.50. The total fee now due is 440,612.50.

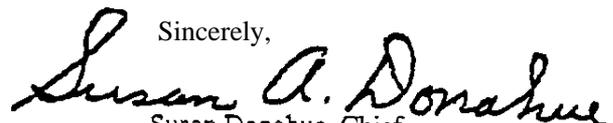
Payment in full should be remitted with the enclosed Remittance Advice, FCC Form 159 to: Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835 within 30 days of the date of this letter. You should submit all payments that are due, including the 25% penalty, for each Filer ID and TIN. The 25% penalty should be listed separately on the Form 159. The payment type code to be used for the penalty is "0199."

If you made full payment within the time required, please provide a complete copy of your submission (Form 159), including proof of payment. If you believe that you were exempt from the FY 2001 regulatory fee under the Commission's rules, please submit complete documentation supporting your position within twenty (20) days of the date of this letter. These documents should be sent to Federal Communications Commission, Revenue & Receivables Operations Group, Room 1A821, 445 12th Street, SW, Washington, DC 20554.

If this debt is not paid within 30 days from the date of this letter, we may apply other administrative sanctions. The sanctions may include dismissing any pending or subsequent applications filed by you or your organization with the Commission. Such applications include, but are not limited to: tariff filings under Section 203 of the Act, applications under 1.2 of the Rules, petitions for waiver of the rules under 1.3 of those Rules, petitions for rulemaking under 1.401 of the Rules, and applications for special permission under Sections 61.17 and 61.152 of the Rules.

In addition, the Commission may revoke any instruments of authorization held by you or your organization. Such instruments include, but are not limited to, any authorizations granted under Section 214 of the Act and any licenses granted under Title III of the Act.

If you have any questions concerning this letter, you may write me at the Commission or call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,  
  
Susan Donahue, Chief  
Revenue & Receivables Operations Group

Enclosures