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IB2007000283

Bristol Bay Cellular Partnership

Approved by OMB

3060-0686



Federal Communications Commission

FEDERAL COMMUNICATIONS COMMISSION FCC FOREIGN CARRIER AFFILIATIONS NOTIFICATION

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CARRIER INFORMATION

CONFIDENTIALITY: Carriers filing foreign carrier affiliation notifications pursuant to Section 63.11 (a) of the Rules, 47 C.F.R §63.11(a), and requesting confidential treatment for the first twenty days pursuant to Sections 63.11(i) and 0.459 of the Rules, 47 C.F.R. §§63.11(i) and 0.459, should not file this form electronically, but instead, should file this form and the required attachments manually. Please send the manual submission to:

Secretary
Room TW-B204F
445 12th Street, SW
Washington, DC 20554

REMINDER: Carriers filing foreign carrier affiliation notifications are reminded to review the requirements in Section 63.11 of the Rules, 47 C.F.R. §63.11. See [FACT SHEET](#)

Note: Use only standard punctuation. Please do not use special characters - such as ';' - in any of the fields below!

Enter a description of this notification to identify it on the main menu:

Foreign Carrier Affiliation Notification

1. Carrier

Name:	Bristol Bay Cellular Partnership	Phone Number:	907-246-3403
DBA Name:		Fax Number:	907-246-1115
Street:	259	E-Mail:	bbtcmanger@bristolbay.com
City:	King Salmon	State:	AK
Country:	USA	Zipcode:	99613 -
Attention:	Dennis Niedermeyer		

2. Contact

Name:	David L. Nace, Esq.	Phone Number:	703-584-8661
Company:		Fax Number:	

Lukas, Nace, Gutierrez & Sachs, Chtd.
 Street: 1650 Tysons Blvd. E-Mail: dnace@fcclaw.com
 Suite 1500
 City: McLean State: VA
 Country: USA Zipcode: 22102 -
 Attention: Relationship:

3. Place of Incorporation of Carrier Alaska

4. Other Company(ies) and Place(s) of Incorporation
 Please see Attachment 1

5. Country or Countries for which carrier is notifying the Commission of an affiliation. Canada

6. Is there an accompanying Transfer of Control or Assignment Application pursuant to Section 63.18(e)(3) of the Rules, 47 C.F.R. §63.18(e)(3), to this foreign carrier affiliation notification? Yes No

7. If the answer to question 6 is yes, please provide the date of filing of the Transfer of Control or Assignment Application.

8. Is this foreign carrier affiliation notification being filed as a prior notification pursuant to Section 63.11(a) or as a post notification pursuant to Section 63.11(b)-(c)? Prior Post

9. If this foreign carrier affiliation notification is being filed as a prior notification pursuant to Section 63.11(a)(1) or (2) of the Rules, 47 C.F.R. §§63.11(a)(1) or (2), is this filing being made at least forty-five days prior to the consummation of the acquisition? If the answer to this question is no, include in an Attachment (use Attachment 1 below) a statement explaining the reason for non-compliance with the Section 63.11(a) filing requirement. Yes No N/A

10. If this foreign carrier affiliation notification is being filed as a post notification pursuant to Section 63.11(b)-(c) of the Rules, 47 C.F.R. §63.11(b)-(c), is this filing being made within thirty days after consummation of the acquisition? If the answer to this question is no, include in an Attachment (use Attachment 1 below) a statement explaining the reason for non-compliance with the Section 63.11(c) filing requirement. Yes No N/A

11. If the foreign carrier affiliation notification is being filed as a post notification pursuant to Section 63.11(c) of the Rules, 47 C.F.R. §63.11(c), are you relying upon an exception in Section 63.11(b)? Yes No N/A

12. If the answer to question 11 is yes, please certify to one or more of the following questions as applicable for each carrier and destination market for which notification is being made (see Section 63.11(b)):

a. Has the Commission previously determined in an adjudication that the foreign carrier(s) lacks market power in any destination market being notified in this filing? If the answer is yes, please provide the citation(s) to the decision(s) in an Attachment (use Attachment 1 below). Yes No N/A

b. Does the foreign carrier(s) own facilities in any destination market(s) being notified in this filing (see Section 63.11(b)(1)(ii) for a definition of "facilities")? If the answer is yes, please specify the carrier(s) and destination market(s) being notified in this filing in an attachment (use Attachment 1 below). Yes No N/A

c. Is the foreign carrier authorized to operate in a WTO Member?

1. If the foreign carrier is authorized to operate in a WTO Member, is the authorized carrier making this filing demonstrating that it

is entitled to retain non-dominant classification on the newly affiliated route pursuant to Section 63.10 of the Rules, 47 C.F.R. §63.10? If so, please provide the necessary demonstration in an Attachment (use Attachment 1 below). Yes No N/A

2. If the foreign carrier is authorized to operate in a WTO Member, is the authorized carrier agreeing to comply with the dominant carrier safeguards contained in Section 63.10 of the Rules, 47 C.F.R. §63.10, effective upon the acquisition of the affiliation? Yes No Undefined field (dominant_carrier_safeguards_sw:3)

13. If the foreign carrier affiliation notification is being filed as a prior notification pursuant to Section 63.11(a) of the Rules, 47 C.F.R. §63.11(a), is the foreign carrier authorized to operate in a non-WTO Member country? Yes No N/A

14. If the answer to question 13 is yes, is the authorized carrier making the required showing that the foreign carrier lacks market power in the non-WTO Member country (see Section 63.18(k)(2), 47 C.F.R. §63.18(k)(2)) or, alternatively, the Effective Competitive Opportunities showing specified in Section 63.18(k)(3) of the Rules, 47 C.F.R. §63.18(k)(3)? If yes, please provide the supporting information in an Attachment (use Attachment 1 below). Yes No N/A

15. If the answer to question 13 is yes and the answer to question 14 is no, you may provide information in an Attachment (use Attachment 1 below) to demonstrate it continues to serve the public interest for you to operate on the route for which you propose to acquire an affiliation with the non-WTO foreign carrier. (See Section 63.11(g)(2)).

16. Regardless of whether the foreign carrier affiliation notification is filed as a prior or post notification, does the authorized carrier request continued regulation as a non-dominant international carrier pursuant to Section 63.10 of the Rules, 47 C.F.R. §63.10? If yes, include an Attachment (use Attachment 1 below) stating how the carrier qualifies for non-dominant classification pursuant to this section. Yes No

17. Regardless of whether the foreign carrier affiliation notification is filed as a prior or post notification, provide in an Attachment (use Attachment 1 below) the name of the newly affiliated foreign carrier(s) and the country or countries in which it is authorized to provide telecommunications services to the public.

18. Regardless of whether the foreign carrier affiliation notification is filed as a prior or post notification, state in an Attachment (use Attachment 1 below) what services the authorized carrier(s) making this filing is authorized to provide to each country named in response to question 17 and the FCC file numbers under which each such authorization was granted.

19. Regardless of whether the foreign carrier affiliation notification is filed as a prior or post notification, state in an Attachment (use Attachment 1 below) which, if any, of the countries the authorized carrier making this filing serves solely through the resale of international switched services of unaffiliated U.S. facilities-based carriers.

20. Regardless of whether the foreign carrier affiliation notification is filed as a prior or post notification, provide in an Attachment (use Attachment 1 below) the name, address, citizenship and principal business of any person or entity that directly or indirectly owns at least ten percent of the equity of the authorized carrier making this filing, and the percentage of equity owned by each of those entities to the nearest one percent.

21. Regardless of whether the foreign carrier affiliation notification is filed as a prior or post notification, provide the name of any interlocking directorates, as defined in Section 63.09(g) of the Rules, 47 C.F.R. §63.09(g), with each foreign carrier named in the notification.

22. By checking Yes, the carrier certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses market power on the foreign end of the route. Yes No

23. By checking Yes, the carrier certifies that it shall maintain the continuing accuracy of information provided pursuant to Section 63.11 of the Rules, 47 C.F.R. §63.11, for a period of forty-five days after the filing of this form. In addition, the applicant certifies that it shall immediately inform the Commission if at any time, not limited to forty-five days, the representations in the "special concessions" certification referenced in question 22 are no longer accurate. Yes No

CERTIFICATION

24. Typed Name of Person Signing Dennis Niedermeyer	25. Title of Person Signing General Manager of Managing Partner	
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).		
26. 1: Responses	2: Attachment	3: Attachment

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

The public reporting for this collection of information is estimated to average 1 - 6,056 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0686), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to jboley@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS ADDRESS.

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THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

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Bristol Bay Cellular Partnership (“BBCP”) is a carrier holding international Section 214 authority.¹ As the Commission’s records reflect, BBCP is 50 percent owned by AWACS, Inc. (“AWACS”), a wholly owned indirect subsidiary of AT&T Inc. (“AT&T”).

BBCP hereby notifies the Commission, pursuant to Section 63.11(c) of the Commission’s rules, of an additional foreign carrier affiliation as the result of the recent merger of AT&T and BellSouth Corp. (“BellSouth”).²

Response to Item 5:

As the result of AT&T’s acquisition of control of BellSouth, BBCP became affiliated with the following foreign carrier authorized to provide telecommunications services to the public in a country that is a WTO Member:

<u>Foreign Carrier</u>	<u>Country</u>
BellSouth Long Distance, Inc.	Canada

Response to Item 12:

(a) The Commission granted applications for approval of the merger by Memorandum Opinion and Order in WC Docket No. 06-74 (adopted December 29, 2006). In those applications the applicants stated that BellSouth Long Distance, Inc. (“BSLD”) holds a Class B license issued by the Canadian Radio-television and Telecommunications Commission for the provision of international telecommunications services in Canada on a resale basis. Therefore, BSLD is a “foreign carrier” in Canada, as that term is defined in Section 63.09 of the FCC’s rules, 47 C.F.R. § 63.09. BBCP qualifies for nondominant classification on the route between the United States and Canada because BSLD has no market power on the foreign end of any of this route. BSLD has a market share under 50 percent in Canada on the foreign end of U.S. routes to Canada. Therefore, because BSLD lacks 50 percent market share in the international transport and the local access markets in Canada, and BSLD is not listed on the Commission’s List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets, BSLD is presumptively classified as non-dominant on its routes.

¹ BBCP was granted international Section 214 certification in File No. ITC-93-304. See Public Notice Report No. I-6873, released October 13, 1993.

² The Commission granted applications for approval of the merger by Memorandum Opinion and Order in WC Docket No. 06-74 (adopted December 29, 2006).

(b) It is BBCP's understanding that BSLD does not own facilities in Canada where it operates as a reseller of international telecommunications services.

(c) It is BBCP's understanding, based upon representations of AT&T and BellSouth in the above-mentioned merger application, that BBCP is entitled to retain non-dominant classification on the newly affiliated routes pursuant to Section 63.10 of the Commission's Rules.

Response to Item 16: Reasons Supporting Non-Dominant Treatment:

BBCP qualifies for a presumption of non-dominance in its respective market pursuant to Section 63.10(a)(3), *i.e.*, each foreign affiliate has less than 50 percent market share in the international transport and the local access markets on the foreign end of the route.³

Response to Item 17: Names of Newly Affiliated Foreign Carriers and the Countries in which each is Authorized to Provide Telecommunications Services to the Public:

BellSouth Long Distance, Inc. is the holder of a Class B license issued by the Canadian Radio-television and Telecommunications Commission for the provision of international telecommunications services in Canada on a resale basis.

Response to Item 18:

BBCP is a provider of Commercial Mobile Radio Services. As such, BBCP allows its wireless system users to place calls to international points by reselling the international telecommunications services of a U.S. facilities-based carrier. (See fn. 1, *supra*, for the file number of international Section 214 authorization granted to BBCP.)

Response to Item 19:

BBCP resells the international telecommunications services of one U.S. facilities-based carrier, Alascom, Inc., a wholly owned indirect subsidiary of AT&T.

Response to Item 20:

³ In File No. ITC-T/C-20040519-00222, the Commission granted approval of AWACS' acquisition of negative control of BBCP. In that application AWACS informed the Commission that BBCP will be eligible for non-dominant treatment on all routes except three routes as to which SBC Communications, Inc. ("SBC"; n/k/a AT&T) controlled a foreign carrier: U.S.-Belgium, U.S.-Denmark, and U.S.-South Africa routes. It was noted that BBCP would not be subject to dominant carrier obligations as to such routes to the extent that BBCP serves those routes by reselling the international switched services of unaffiliated U.S. facilities-based carriers. (Application, page 7) In File No. ITC-MOD-20041207-00482, the Commission granted the application of BBCP to reclassify the carrier as non-dominant on the U.S.-South Africa route as the result of SBC's sale of its indirect ownership interest in Telkom SA Limited, a foreign carrier presumed to have market power in South Africa. It is BBTC's understanding that reclassification also was granted as to Belgium and Denmark.

The following entities directly or indirectly own at least a 10 percent equity interest in BBCP:

Aleutian Telcom, Inc. ("ATI"), PO Box 456, King Salmon, AK 99613, is a telecommunications company organized under the laws of Alaska and owner of a 50 percent general partnership interest in BBCP. ATI serves as the managing partner of BBCP. ATI is a wholly owned subsidiary of Bristol Bay Telephone Cooperative, Inc., a local exchange carrier organized in Alaska, whose address is the same as that of ATI.

AWACS, 175 East Houston, San Antonio, TX 78205, is a wireless holding company organized under the laws of Pennsylvania and owner of a 50 percent general partner interest in BBCP. AWACS is wholly owned by Delaware Valley Cellular Corporation, which is wholly owned by New SBC Wireless, Inc., which is wholly owned by AT&T, which has no shareholder with a 10 percent or greater interest. The address, citizenship and principal business of each of these entities are set forth below:

Delaware Valley Cellular Corporation
175 East Houston
San Antonio, TX 78205
Citizenship: United States
Principal Business: Wireless Holding Company

New SBC Wireless, Inc.
175 East Houston
San Antonio, TX 78205
Citizenship: United States
Principal Business: Wireless Holding Company

AT&T, Inc.
175 East Houston
San Antonio, TX 78205
Citizenship: United States
Principal Business: Telecommunications

Response to Item 21:

BBCP has no interlocking directorates with any of the foreign carriers named in this notification.