

1984 FCC LEXIS 2130

Federal Communications Commission

August 15, 1984 Released; Adopted August 15, 1984

File No. C3-84-001-MP/L

Reporter

1984 FCC LEXIS 2130 *

In the Matter of AMERICAN TELEPHONE AND TELEGRAPH COMPANY; Application for Construction Permit and Modification of Radio License for Point-to-Point Radio Telephone Stations K1Q-68 and K1Q-69

Core Terms

upgrade, telephone, breakdown, submarine, cable, multiplexing, satellite, radio, emergency measure, national interest, public notice, telecommunication, radiotelephone, unacceptable, landline, teletype, carrier, embargo, license, replace, station, refile, route, ball

Action

[*1]

MEMORANDUM OPINION, ORDER AND AUTHORIZATION

Panel: By the Common Carrier Bureau

Opinion By: BALL

Opinion

1. We have before us for consideration an application by the American Telephone and Telegraph Company (AT&T) for authority to modify its permit and license to add 2 one-Kw troposcatter transmitters on its existing Florida-Cuba over the-horizon (OH) radio link. The application was listed in the Commission's Public Notice of Overseas Common Carrier Section 214 Applications for Filing on April 11, 1984. A Petition and Comment on the application was filed by TRT Telecommunications Corporation (TRT) on May 10, 1984.

2. In support of the application AT&T states that the aging components of stations K1Q-68 and K1Q-69, together with the lack of spare parts from discontinuance of manufacture, are causing maintenance problems and reducing circuit reliability. Also, if approved, installation of the new equipment concurrent with the upgrading of the Cuban terminal would eliminate a long term interference problem with TV Channel 51, WKID in Fort Lauderdale, Florida.

3. Since 1962, the United States has exercised an embargo upon trade and commercial relations between the United States and Cuba as authorized by [*2] the Cuban Embargo Act of 1961, [22 USC 2370](#). It therefore has

been the policy of the U.S. government to deny requests to upgrade telecommunications facilities between the U.S. and Cuba. The Commission has acted on applications in accordance with this policy. ¹

4. In the instant case the United States Department of State notified the Commission that it has no objection to the grant of AT&T's application subject to conditions. ² The State Department said that it considered several options including satellite communications and the construction of a new submarine cable to deal with the distinct possibility of a breakdown in either the over-the-horizon (OH) system or the submarine cable linking Florida and Cuba. Since these two systems provide the United States with: (1) telegraphic communications with the U.S. Interests Section in Havana; (2) a National Weather Service teletype; (3) a teletype circuit for a consortium of U.S. airlines; and (4) a Federal Aviation Administration telephone circuit, State concludes that any potential [*3] breakdown in these systems would have a harmful affect on air safety and weather warning systems and on its ability to communicate with its diplomatic post in Cuba. It believes that the improvement of the OH system with the addition of multiplexing capability was the least objectionable option in terms of overall U.S. policy if: (1) there was no upgrading in the number of radiotelephone circuits on the OH system and (2) the multiplexing capability is only utilized as an emergency measure to replace circuits lost during a breakdown of the Florida-Cuba submarine cable.

5. TRT notes that its application, File No. I-T-C-83-135 requesting authority for a landline/ satellite route through Teleglobe Canada for service to Cuba was dismissed without prejudice on October 5, 1983 in view of U.S. policy not to permit upgrading of facilities between the U.S. and Cuba. ³ TRT requests that AT&T's application be granted only if the application for a landline/ satellite route through Teleglobe Canada for service to Cuba which TRT refiled on [*4] May 10, 1984 is accepted for filing and granted. On May 25, 1984, TRT's refiled application was returned as unacceptable for filing because U.S. policy was unchanged. The State Department's approval of AT&T's proposal does not change the situation with respect to TRT's proposal. Here, the State Department views AT&T's proposal as maintenance of existing facilities that is in the national interest subject to certain limitations. We will continue to return any application for upgrading service to Cuba, as unacceptable for filing, absent an accompanying statement from the State Department that such a filing is in accord with U.S. policy.

6. In view of the foregoing, it appears that a grant of the subject application conditioned to satisfy the concerns of the Department of State is in the national interest and would serve the public convenience and necessity.

7. Accordingly, IT IS ORDERED, pursuant to Sections 304, 308, 309 and 319 of the Communications Act of 1934, as amended, that the application of the American Telephone and Telegraph Company, File No. C3-84-001-MP/L IS GRANTED.

8. IT IS FURTHER [*5] ORDERED, that the subject application is granted subject to the following conditions: (1) that there is no upgrading in the number of radiotelephone circuits on the OH system; and (2) the multiplexing capability of the OH system will only be utilized as an emergency measure to replace circuits lost during a breakdown of the Florida-Cuba submarine cable.

9. This order is issued under Section 0.291 of the Commission's rules and is effective upon release. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the rules may be filed within 30 days of the date of public notice of this order (see Section 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

James L. Ball

¹ See Order Dismissing Applications for Service to Cuba, Mimeo No. 6460 (released September 14, 1983).

² Letter from Diana Lady Dougan, Office of the Coordinator International Communication and Information Policy to Chairman Fowler, dated June 29, 1984.

³ Order Dismissing Application, Mimeo No. 709 (released October 12 1983).

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Chief, International Facilities Division

Common Carrier Bureau

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