

DA 89-1140
September 22, 1989

In the Matter of

STARTEC File No. I-T-C-89-099
INCORPORATED

Application for authority to acquire
and operate facilities and to resell
services for provision of various
international services.

ORDER AUTHORIZATION AND CERTIFICATE

Adopted: September 13, 1989 Released: September 22, 1989
By the Chief, International Facilities Division:

1. The above-captioned application, filed on March 31, 1989, by Startec Inc., requests authority pursuant to Section 214 of the Communications Act of 1934, as amended, to acquire and operate facilities for the provision of direct service to Italy, Israel, Kenya, India, Iran, Saudi Arabia, Pakistan, Sri Lanka, South Korea and the United Arab Emirates (UAE), and to resell the services of other common carriers for the provision of switched voice, telex, facsimile and other data services, and for the provision of INTELSAT Business Services (IBS) and international television service to various overseas points. The application was placed on public notice on May 3, 1989. No comments were received. Startec is a corporation organized under the laws of the State of Maryland.

2. In recent authorization of new entrants, the Commission has recognized that increased competition in international markets is beneficial. /1 We find that the market will support additional carriers and that the added competition will be in the public interest. /2 With respect to the resale portion of Startec's application, we note that the majority of international resale applications granted by the Commission involve resale of switched voice services for the provision of switched voice services. In addition to that authority, Startec also seeks authority to provide facsimile, and other data services via reselling the switched voice services of other carriers, and to provide telex service by the resale of telex service of another carrier. We will limit the authority of Startec to resell the services of other carriers for the provision of facsimile, telex and other data services to the points specified in the Appendix. Where the service being provided is the same as the underlying service resold, there is likely to be little or no effect on the foreign correspondent of the U.S. carrier whose service is being resold. However, the resale of one service to provide another could present an entirely different situation. In such a case, additional action or different equipment may be required by the foreign correspondent and consequently, it is possible that operating agreements will be necessary in such cases. /3

3. We would also note that in its International Competitive Carrier decision, the Commission found that each foreign country constituted a separate geographical mar-

ket. /4 The Commission indicated that this finding was based primarily on the need for a carrier to obtain an operating agreement prior to providing service to a given country. /5 The Commission further found that non-dominant carriers should be required to obtain an initial Section 214 certificate to provide a given service product to a country. /6 Because U.S. resale carriers which provide international services different from the international services being resold may need to obtain operating agreements or other forms of authority from the correspondents or other authorities in the countries where the service will be provided, we believe it is appropriate that such resale carriers be granted initial Section 214 certifications to each country (geographical market) for each service product in accordance with the procedure set forth in the Commission's International Competitive Carrier decision.

4. Upon consideration of the application and in view of the foregoing, IT IS HEREBY CERTIFIED that the present and future public convenience and necessity require grant of the application.

5. Accordingly, IT IS ORDERED that application File No. I-T-C-89-099 IS GRANTED, and Startec is authorized to:

- a. lease from Comsat and operate a total of 120 voice-grade satellite circuits, 108 voice-grade circuits between an appropriate earth station on the east coast of North America and an appropriate satellite over the Atlantic Ocean and 12 voice-grade circuits between an appropriate earth station on the west coast of the United States mainland and an appropriate satellite over the Pacific Ocean;
- b. lease and operate 108 voice-grade circuits in the appropriate east coast earth station and 12 voice-grade circuits in the west coast earth station;
- c. lease and operate domestic connecting facilities between the east and west coast earth stations and Startec's McLean, Virginia office and a one-half interest in any necessary overseas connecting facilities; and
- d. use the said facilities in a, b and c above to provide Startec's regularly authorized services between the U.S. and the following points and beyond:

Country	Satellite	No. of Circuits
Italy	AOR	12
Israel	AOR	12
Kenya	AOR	12
India	AOR	12
Iran	AOR	12
Saudi Arabia	AOR	12
Sri Lanka	AOR	12
Pakistan	AOR	12
South Korea	POR	12
UAE	AOR	12

- e. lease from Comsat channels of communications between any earth station that may be licensed for provision of IBS and/or television service in the

future, including existing earth stations and INTELSAT Atlantic and Pacific Ocean satellites for the provision of IBS and associated digital video services and international television service between the U.S. mainland and those countries which are or hereafter will be listed in Comsat's tariff provisions for the space segment component of IBS and/or television service. Provided, however, this blanket Section 214 authorization is without commitment as to the Commission's action on any IBS or television Title III application that Startec may file in the future;

f. provide international switched voice service by the resale of the international switched voice service set forth in AT&T's Tariffs F.C.C. Nos. 1 and 2, MCI's Tariff F.C.C. No. 1 and US Sprint's Tariffs F.C.C. Nos. 1 and 2 between the U.S. and those points listed in those tariffs;

g. provide international facsimile and other data services by the resale of international switched voice services set forth in the AT&T's Tariffs F.C.C. Nos. 1 and 2, MCI's Tariff F.C.C. No. 1 and US Sprint's Tariffs F.C.C. Nos. 1 and 2 between the U.S. and those points listed in the Appendix; and

h. provide international telex service by the resale of the International Telex Service set forth in ITT's Tariff F.C.C. No. 12, between the U.S. and those points listed in the Appendix.

6. Copies of any operating agreements entered into between the applicant and its correspondents shall be filed with the Commission within 30 days of their execution.

7. Nothing in this authorization should be construed as authorizing the transmission of money. The transmission of money is not considered to be a common carrier service.

8. IT IS FURTHER ORDERED that the applicant shall file a tariff pursuant to Section 203 of the Communications Act, 47 U.S.C. Section 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61, for the services authorized in this Order.

9. IT IS FURTHER ORDERED that the applicant shall file the annual reports of overseas telecommunications traffic required by Section 13.61 of the Commission's Rules, 47 C.F.R. 43.61 (October 1, 1988).

10. IT IS FURTHER ORDERED that the applicant shall file the circuit addition reports required by Section 63.10(b) of the Commission's Rules, 47 C.F.R. 63.01(b) (October 1, 1988) for any additional circuits acquired. The applicant need not file Section 63.10 reports for services provided by means of the resale of other carriers' services as it is reselling services rather than acquiring specific facilities.

11. 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 Commission's Rules may be filed within 30 days of public notice of this order (see Section 1.4(b)(2)).

George S. Li
 Chief, International Facilities Division
 Common Carrier Bureau

APPENDIX

Afghanistan	Albania
Algeria	American Samoa
Andorra	Angola
Anguilla	Antartica (Casey Bay)
Antigua (Barbados)	Argentina
Aruba	Ascension Island
Australia (Tasmania)	Austria
Bahamas, The	Bahrain
Bangladesh	Barbados
Belgium	Belize
Benin	Bermuda
Bhutan	Bolivia
Botswana	Brazil
British Virgin Islands	Brunei
Bulgaria	Burkina Faso
Burma	Burundi
Caicos Island	Cambodia
Cameroon	Canada
Cape Verde Islands	Chile
China (PRC)	Colombia
Costa Rica	Cyprus
Czechoslovakia	Denmark (including Faeroe Is- land)
Dominica	Dominican Republic
East Germany	Ecuador
Egypt	El Salvador
Ethiopia	Federated States of Micronesia
Fiji Island	Finland
France	French Antilles (Martinique, St. Barthelemy & St. Martin)
French Guiana	Polynesia Gabon
French	Ghana
Gambia, The	Greece
Gibraltar	Grenada/Carriacou
Greenland	Guam
Guadeloupe	Guatamala
Guantamana	Guinea-Bissau
Guinea	Haiti
Guyana	Hong Kong
Honduras	Iceland
Hungary	Indonesia
India	Ireland
Iran	Italy
Israel	Jamaica
Ivory Coast	Jordan
Japan	South Korea
Kenya	Liechtenstein
Kuwait	Libya
Liberia	Macao
Luxembourg	Malawi
Madagascar	Maldives
Malaysia	Malta
Mali	Mauritius
Mauritania	Mexico
Marshall Islands (Majuro, Ebeye)	Mongolia
Monaco	

Montserrat	Morocco
Nauru	Nepal
Netherlands	Netherlands (Antilles)
Nevis	New Caledonia
New Zealand	Nicaragua
Niger	Nigeria
North Yemen	Northern Ireland
Norway	Oman
Pakistan	Panama
Papau New Guinea	Paraguay
Philippines	Poland
Portugal (Azores, Madeira Is- land)	Oatar
Romania	St. Kitts
St. Lucia	St. Pierre/Miquelon, St. Vin- cent and the Grenadines
San Marino	Saipan (Rota and Tinian)
Sao Tome & Principe	Scotland
Saudi Arabia	Singapore
Senegal	Soviet Union
South Africa	Sri Lanka
Spain (Balearic Is., Canary Is., Ceuta & Melilla)	Sudan
Suriname	Swaziland
Switzerland	Sweden
Taiwan	Tanzania
Thailand	Trinidad & Tobago
Tonga	Tunisia
Turkey	Turks Island
Uganda	United Arab Emirates
United Kingdom	Uruguay
Vatican City	Venezuela
Vietnam	South Yemen
Yugoslavia	Zaire
Zambia	Zimbabwe

FOOTNOTES

/1 See the cases cited in the Teltec Saving Communications Co., Mimeo No, 3548, (released April 4, 1986) at n.2.

/2 FCC v, RCA Communications, Inc., 346 U.S. 86 (1953); Mackay Radio and Telegraph Co.. 28 FCC 231 (1960).

/3 For example, in a Memorandum Opinion and Order, File No. I-T-C-84-081, (released July 3, 1984), the Commission, by delegated authority, granted Instafax International, Inc, (Instafax) authority to provide digital facsimile services to Hong Kong by resale of AT&T's International Message Telecommunications Service. The Order stated that Instafax indicated that it had conducted preliminary discussions with Cable and Wireless (Hong Kong) Ltd., a prospective foreign correspondent in Hong Kong. On July 12, 1984, Instafax filed pursuant to the provisions of Section 43.51 of the Commission's Rules, 47 C.F.R. Section 43.51. copies of: a Business Registration Certificate issued by the Government of Hong Kong; a Public Non-Exclusive Telecommunications Service License granted by the Office of the Postmaster General of Hong Kong; and an operating agreement between Instafax and Cable and Wireless (Hong Kong) Ltd,

/4 International Competitive Carrier Policies, 102 FCC 2d 812 (1985). Order on Reconsideration, 50 RR 2d 1435 (1986).

/5 Id. at 828.

/6 Id. at 844.