

DA 93-305

***1** IN RE APPLICATION OF
RCI LONG
DISTANCE, INC.

APPLICATION FOR AUTHORITY PURSUANT TO SECTION 214 OF THE COMMUNICATIONS ACT OF
1934, AS AMENDED, TO LEASE AND OPERATE FACILITIES TO PROVIDE PRIVATE LINE
SERVICES BETWEEN THE UNITED STATES AND CANADA

File No. **I-T-C-91-077**

Adopted: March 8, 1993; Released: March 18, 1993

****1849** ORDER AND CERTIFICATION

By the Chief, International Facilities Division:

1. Upon consideration of the above-captioned uncontested application, filed pursuant to Section 214 of the Communications Act of 1934, as amended, IT IS HEREBY CERTIFIED that the present and future public convenience and necessity require the resale of international private lines for the provision of international private line services and international switched services to the general public by RCI Long Distance, Inc. (RCI). [FN1]

2. Accordingly, IT IS ORDERED that application File **I-T-C-91-077** IS GRANTED and RCI is authorized to resell international private lines for the provision of international private line services and international private lines for the provision of switched services between the United States and Canada. [FN2]

3. IT IS FURTHER ORDERED that RCI is authorized to lease and operate pursuant to contract one-half interest in up to 8 T-1 circuits and in up to 10 Digital Data/Voice circuits from authorized U.S. common carriers for the authorized provision of international private line and switched services, subject to the following conditions:

(a) a copy of such contracts entered into with other carriers or a contract summary shall be publicly filed in accordance with Section 203 of the Communications Act, [47 U.S.C. § 203](#), and the Interexchange Order, [FN3] and

(b) the services RCI obtains from authorized common carriers [FN4] shall be made generally available to similarly situated customers at the same, terms, conditions and rates.

4. IT IS FURTHER ORDERED that neither RCI nor any persons or companies directly or indirectly controlling it or controlled by it, or under direct or indirect common control with it, shall acquire or enjoy any right, for the purposes of hand-

ling or interchanging traffic to or from the United States, its territories or possessions which is denied to any other United States carrier by reason of any concession contract, understanding, or working arrangement to which RCI or any such persons or companies controlling or controlled by RCI are parties.

5. IT IS FURTHER ORDERED that RCI shall file tariff provisions pursuant to [Section 203](#) of the Communications Act, [47 U.S.C. § 203](#), and Part 61 of the Commission's Rules, 47 C.F.R. Part 61, for the services authorized in this Order.

6. IT IS FURTHER ORDERED that the authority granted herein to resell international private lines between the United States and Canada is limited to the provision of the authorized services between the United States and Canada only--that is, private lines which carry traffic that originates in the United States and terminates in Canada or traffic that originates in Canada and terminates in the United States.

***2** 7. IT IS FURTHER ORDERED that RCI shall file the annual reports of overseas telecommunications traffic required by Section 43.61 of the Commission's Rules, [47 C.F.R. § 43.61](#).

8. IT IS FURTHER ORDERED that RCI shall file semi-annual reports of circuit additions to Canada, pursuant to Section 63.10(b) of the Commission's Rules, [47 C.F.R. § 63.10\(b\)](#).

9. IT IS FURTHER ORDERED that RCI shall file a copy of any operating agreements entered into with foreign correspondents with the Commission within 30 days of their execution.

10. IT IS FURTHER ORDERED that RCI shall file all arrangements for private line interconnection to the U.S. public switched network, pursuant to Section 43.51(a) of our Rules, [47 C.F.R. § 43.51\(a\)](#).

11. IT IS FURTHER ORDERED that this Order may be subject to future modification pursuant to the outcome of the Phase II Third Further Notice, FONOROLA (recon. pending), and any related proceedings.

12. IT IS FURTHER ORDERED that grant of this authorization is conditioned upon Canada's continuing to afford resale opportunities equivalent to those afforded under U.S. law.

****1850** 13. IT IS FURTHER ORDERED that nothing in this authorization should be construed to include authorization for the transmission of money in connection with the services RCI seeks authority to provide. The transmission of money is not considered to be a common carrier service. Therefore, nothing in this Order should be construed as containing authority for the transmission of money.

14. This Order is issued under Section 0.291 of the Commission's Rules and is ef-

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(Cite as: 1993 WL 755990 (F.C.C.), 8 FCC Rcd. 1849)

fective upon adoption. 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 the public notice of this Order (see Section 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

George S. Li

Chief, International Facilities Division

Common Carrier Bureau

FN1. RCI is a wholly-owned subsidiary of Rochester Telephone Corporation (RTC). RTC, through various wholly-owned subsidiaries, provides exchange and long distance land line common carrier services.

FN2. In [fONOROLA Corporation and EMI Communications Corporation \(fONOROLA\)](#), 7 FC-CRcd 7312 (1992), petition for recon. pending, the Commission determined that Canada affords resale opportunities equivalent to those available under U.S. law. Therefore, resale of international private lines for switched services and of interconnected international private lines for private line services between the United States and Canada is permitted subject to appropriate authorization.

FN3. See [Competition in the Interstate Interexchange Marketplace](#), 6 FCCRcd 5880, 5902 (1991) (Interexchange Order). See also [Cable and Wireless Communications, Inc.](#), 7 FCCRcd 6653 (1992).

FN4. Initially, RCI intends to resell the services of AT & T, MCI, and U.S. Sprint. See Application and amendments.

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