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8 F.C.C.R. 4810 1993 WL 757127 1993 WL 757127 (F.C.C.), (Cite as: 1993 WL 757127 8 F.C.C.R. (F.C.C.), F.C.C.R. 4810, **8 FCC** Rcd. ∞ FCC 4810) Rcd.

FEDERAL COMMUNICATIONS COMMISSION (F.C.C.)

IN THE MATTER OF

AMERICAN TELEPHONE AND TELEGRAPH COMPANY CICI, INC.

GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED

SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHI

TRT/FTC COMMUNICATIONS, COMMUNICATIONS, INC. INC.

JOINT APPLICATION FOR AUTHORIZATION UNDER SECTION 214 OF THE COMMUNICATIONS OF 1934, 1934, AS AMENDED, TO CONSTRUCT, OPERATE AND ACQUIRE CAPACITY IN AND OPERAT HIGH CAPACITY DIGITAL SUBMARINE CABLE NETWORK BETWEEN AND AMONG THE UNITED STATES MAINLAND, THE UNITED KINGDOM AND FRANCE. OPERATE

File No. I-T-C-93-062

Adopted: July 7, 1993; Released: July 16, 1993 **4810 MEMORANDUM OPINION, ORDER AND AUTHORIZATION

the Acting Chief, Common Carrier Bureau:

1. The Commission has under consideration the above-captioned Joint Applica [FN1] filed on January 8, 1993 by seven United States International Service Carriers (hereinafter referred to as Joint Applicants). [FN2] The Joint Applicants seek authority, pursuant to Section 214 of the Communications Act 1934, as amended, 47 U.S.C. § 214 (1982), and Section 63.01 of the Commission Rules and Regulations, 47 C.F.R. § 63.01, to construct and operate a high capacity digital submarine cable system, known as the TAT-12/TAT-13 Cable Network (TAT-12/TAT-13), extending from the United States mainland to the United States and Indiana on August 31, Kingdom. Singapore, Slovakia, Luxembourg, France, Austria, foreign telecommunications entities in the following countries: mainland. Kingdom, The Joint Applicants also seek authority to (a) acquire capacity in TAT-12/-13; (b) acquire, by lease, such extension facilities as may be required to Germany, Belgium, Canada, China, Cyprus, Czech Republic, Denmark, Finland, Germany, Greece, Hong Kong, Hungary, Ireland, Italy, Japan, Korea, 1rg, Mexico, Netherlands, Norway, Philippines, Poland, Portugal, 1re, Slovakia, Spain, Sweden, Switzerland, Taiwan, Turkey, and the United The Joint Applicants propose that TAT-12/TAT-13 will be operation then directly INT-12/TAT-13 will be jointly owned by and then directly back to the United States the Joint Turkey, and Applicants Australia, and the United Commission's Application Act of Unit

TAT-13; (b) acquire, by lease, such extension facilities as may be required t extend capacity in TAT-12/TAT-13; (c) activate and operate capacity in TAT-12 TAT-13 and in the extension facilities for the provision of their respectively certain authorized telecommunications services; non-owners, ain capacity currently wholly assigned to a Joint Applicant, as necessary such IRU recipients to provide their authorized services over TAT-12/TAT-13; (e) multiply through the use of Digital Circuit Multiplication Equipment half-interests, on an indefeasible right of user (IRU) basis, (d) convey to their correspondents or and operate capacity in TAT-12/ to

2006 Thomson/West. No Claim t o Orig. U.S. Govt Works

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individual attainable the Applicant). channels (to the extent such authorization is required for the maximum an

comments were received. The Joint Application was placed on public notice on January 6, 1993 No

I. THE APPLICATION

- networks. In addition, it will be extended by suitable facilities to the terminals of other international communications systems, including other cable terminals and satellite earth stations. This will enable TAT-12/TAT-13 to be used for services between and among the U.S. mainland, the United Kingdom, TAT-12/TAT-13 configuration from a landing point at Island, to the cable station at Lands each may subsequently furnish. [FN3] *2 4. The Joint Applicants will use TAT-12/TAT-13 to supplement their exfacilities in providing the services which each is currently furnishing or Island, to the Penmarch, France, cable France, to the cable s station at Green Hill, will be at Green Hill, Rhode Island via a terrestrial tie connected in the United States mainland with U.S. ands End, United Kingdom, to the cable statio station at Mastic Beach, New York, returning End, the cable station at Green Hill, Rhode TAT-12/TAT-13 will extend in tie cable. מ loop existing or which domestic on
- France, and points beyond.

 5. The existing international facilities used by the Joint Applicants for services between the United States and those locations proposed to be services between the United States and those satellite and submarine and consist of satellite and submarine and the listed in the Application at p. 7. 6. The Construction and Maintenance provided by the Joint Applicants' foreign correspondents. The AOR satelliand transatlantic submarine cable facilities used to provide these services connecting circuits between the AOR satellites and foreign earth stations **4811 to Comsat's applicable tariffs and are used in conjunction with Applicants from the Communications Satellite Corporation (Comsat) pursuant INTELSAT Atlantic Ocean Region (AOR) satellite are acquired by the Joint circuits. The satellite circuits between the U.S. earth stations The AOR satellites and the served for cable are ру
- linking Segments B and C; Penmarch, France; Segments A, B, C ownership purposes. April 30, 1992, defines the Island; submarine cable linking Segments A and B; Segment F is the submarine calking Segments B and C; Segment G is the submarine cable linking Segments D; and Segment H is the terrestrial cable linking Segments A and D. TAT-12/TAT-13, comprised of 2 fiber pairs between each cable station, will the cable station at Lands End, United Kingdom; the cable station at France; and the cable station in Mastic Beach, New 1 TAT-12/TAT-13 will consist of eight such Agreement (C & MA), United Kingdom; the cable station at [FN4] New York. the submarine cable initialed Green Hill, Segments. Segments Segment for on H
- Digital Circuit Multiplication Equipment optically amplified bit-rate insensitive resulting in high circuit reliability. The will be 60,000 64 kbps circuits per fiber or provides 100% fiber-on-fiber restoration and The "loop" configuration in conjunction with a employ AT & T's SL2000 service while the other will be used for restoration. technology, operating at is employed. repeaters, 300,000 virtual operating transmission capacity a fully redundant restoration pair route diversity within the network, 4.8 Gbps bit-rate The SL2000 on each fiber pair. One voice sensitive system circuits will uses when

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Thirty-Two Basic System Modules Hierarchy components and G; 1550 fiber differs from fiber are modified in the cable. terminal equipment will r are modified so the minimal pulse spreading nm wavelength region rather than in the 1300 standard interface at 155 Mbits/s, basic System Modules will be used and and in each fiber pair in Segment H. and are based on Erbium Doped Fiber Amplifiers, which also use and therefore reduce the likelihood of malfunction. The TATfrom single sensitive terminal equipment, from single mode fiber in that The bit-rate insensitive repeaters have employ the STM-1 CCITT Synchronous t 155 Mbits/s, which is the Basic Sy in each fiber the and nm region. 02 dispersion-shifted fiber. optical characteristics dispersion occurs in pair fewer 0 f System Module arso use fewer The TAT-12/ Digital This reduces active Segments

to the Joint duties and value added taxes will be handled on a cost-incurred basis. Under terms of the C & MA, the co-owners will bear the capital and operational and maintenance costs of TAT-12/TAT-13 in accordance with Schedule B of Attachmen price basis. Items such as the cable laying, route survey, plowing and of cable, project management, owners' inspection and amounts payable for a cost-incurred basis. Items such as the submarine cable, repeaters, terminal transmission equipment and high voltage power plant will be furnished on a fixed investment shares. The estimated cost does not include interest during construction, estimated at \$133 million, or costs of DCME, which will be added later to accommodate future demand. About 80 percent of the costs of Segment E, F, G, and H will be on a fixed price basis, with the remaining 20 percent fiber loop \$345.2 million, The estimated total cost of TAT-12/TAT-13 will be based on a system is \$756 million. The Joint Applicants' share of or about 45.66 percent of the total project costs the costs of Segments of Attachment based on costs for customs adde burial გ ე on the

Attachment B, percentage ownership Unassigned Capacity. initialing the C & MA, interests in the 4,032 MIUs [FN5] of the Design Capacit of TAT-12/TAT-13 have been assigned to existing TAT-12/TAT-13 owners and that admission of other carriers as owners, up to the Ready for Provisional Acceptance (RFPA) date which is planned to be August 31, 1996. Also, b Joint Application. See Appendadmission of other carriers as of each of the Joint Applicants through the year 2010. Capacity assignthe parties are indicated in Schedules C-1 through C-5 of Attachment B Joint Application. referred to subsequent The capacity assignments in TAT-12/TAT-13 are lease or other mutually agreed upon arrangements. As of the date of in common and undivided shares in the same proportions as their increased at as Notional Capacity. para. to & MA, interests in the the 13(a). See Appendix B hereto. See Appendix B hereto. interest as shown in Schedule RFPA date, carriers may acquire TAT-12/TAT-13 The request of any Unassigned Capacity is The upon arrangements. ... of the Design Capacity the 4,032 MIUs [FN5] of the Design Capacity Co-owner. remaining capacity is referred to as the The C & MA provides for TAT-12/TAT-13 Notional Capacity S O O based on the held collectively by the B of Attachment B Joint 1996. Also, both prior T-12/TAT-13 capacity by Application, forecasted demand assignments of the the to the Col

TAT-13 will serve the Joint Applicants cable The Joint Applicants the period 1996-2010. and their correspondents in public interest by meeting equivalent state that their proposed construction of TAT-12/ With transatlantic (lent of over 600,000 the telecommunications needs of the Atlantic Ocean Region (AOR) capacity 0 virtual of 4,032 MIUs voice circuits, for

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TAT-12/TAT-13. much higher circuit reliability. They assert that both inter-AOR cable system restoration capability, through diversity, and increased customer satisfaction for digital submarine cable backup for private networks will be provided by submarine cable facilities as a result of its unique loop completely redundant restoration fiber pair. This will fiber restoration and route diversity within the network, ${
m TAT-9}$, ${
m TAT-10}$, ${
m TAT-11}$, ${
m TCS-1}$, and ${
m PTAT-1}$ Cable Systems. The Joint Applicants claim that the ${
m TAT-12/TAT-13}$ introduces a new level of restoration capability to facilities in the AOR. Moreover, the Joint Applicants note that TAT-12/TAT-13 will provide additional digital connectivity to the existing and planned TAT-8, TAT-12/TAT-13 is described as a significant part of the common carrier network designed to meet specific service requirements for additional digital cable facilities in the AOR. Moreover, the Toint Among the AOR. Moreover, the Joint Applicants note that of its unique loop configuration and pair. This will provide 100% fiber which will result in a fiber-on-

- event of either a cable cut on a segment or failure of the fiber. Moreover, they assert that TAT-12/TAT-13 will satisfy the operational requirements of the Department of Defense (DOD) in the AOR, because it enhances both path and media diversity and because it responds to DOD's statement that "reliance on satellite services for certain requirements is not possible due to technical limitations." North Atlantic Telecommunications Needs, 1991-2000, CC Docket No. 79-184, Comments of DOD, p. 11 (Feb. 16, 1988). The Joint Applicants also assert that including those representing 34 different countries, are participating as subscribed and over 45 carriers Comments of DOD, p. 11 (Feb. 16, 1988). The Joint Applicants also assert that TAT-12/TAT-13 will promote international comity because it is already 50 percent the-art enhance overall reliability. and maintenance of $\star\star4812$ the network will be under the direct control of the common carriers using it to carry their own telecommunications traffic, will its The Joint Applicants claim, the loop configuration design of TAT-12/ performance that will prevent it lightwave amplification technology and the fact that the using it to carry their They note that TAT-12/TAT-13 will have state-of-prevent it from losing any call in progress in th and telecommunications administrations, call in progress in the operat the ion
- shareholders. They point out that the Commission, in the TPC-4 Order, [FN7] indicated that competitive conditions, the elimination of circuit loading guidelines, and the implementation of price cap regulation of AT & T [FN8] ha made it appropriate to give U.S. International carriers wider latitude in determining what facilities to construct and when to place such facilities in service. These factors, they assert, will serve to protect the public Applicants through the addition and use of digital circuit can derive nominally 150 virtual voice channels facilities costs for a economies, 12. The Joint Applicants note that TAT-12/TAT-13 will provide significant MAUO) with that are not add that of \$6,300 for a US-UK or US-France circuit. virtual voice channel in TAT-12/TAT-13 will an estimated original capital cost of a any inefficient investment decisions (e.g., required) would be solely at the expense multiplication technology, which from a MIU (30 MAUOs). Joint be further reduced 64 kbps half-channel [FN6] The constructing of a carrier's circuit unit have

II. DISCUSSION

13. The Joi: TAT-12/TAT-13 Joint network by no by no seek authority to later than June 1 construct and 1993 to permit operate the dig the manufacture digit

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conditions. standard permit complete components the Joint Application under the public convenience and necessity of Section 214 of the Communications Act of 1934, as amended, and that implementation of TAT-12/TAT-13 in 1993 will serve the public [FN9] Accordingly, we grant the Joint Application subject to certain activation of TAT-12/TAT-13 by August 31, 1996. to allow for the installation, laying, and testing neces public We have Sa K

A. The Need for the TAT-12/TAT-13 Cable Network

technological innovations and international comity. [FN11] media and route diversity, determination, the specific facility chosen and the use to be made of that facility are required by the public convenience and necessity." [FN10] In making this authorization of finding Section 214 of the ng that the public we traditionally have considered such factors as demand, cost the facilities requested. convenience and necessity." [FN10] In making this Communications Act requires convenience and necessity will be restoration, intramodal and intermodal competition, The standard we employ is "whether that the Commis served bУ sion ma lke ω

.. Demand and Capacity

- need of the Joint conclude that projected circuit demand, along with other factors, authorizing the construction and operation of submarine cable systems, commencement Commission has recognized that user demand is determined not only by the dor raw transmission capacity, but also by such user requirements as ital technology, route and modified and modified to the determined not only by the ital technology. Under the traditional form of demand analysis that we have applied in of operation of TAT-12/TAT-13 to meet the telecommunications Applicants and their correspondents in the AOR through year 2 but also by such user requirements a diversity, digital cable restoration supports W (P needs the
- diversity, restoration capability, and technological innovations discussed circuits in that year. In the year 2000, some 56,774 circuits will be needed. The overall fill rate for the existing cables by all carriers from 1997 onward supports the need for the additional capacity to be provided by **4813 proposed TAT-12/TAT-13, especially when viewed with the advantages of media and route Applicants, incl total available By year 2000, [FN14] In 190 and TAT-11 in 1997, according to tepresents 74% of the capacity of to equivalent TAT-12/TAT-13, continue Joint Applicants anticipate that TAT-12/TAT-13 will be and 2000, respectively. [FN13] Meanwhile, existing cables in the AOR will inue to be filled. The total number of circuits, normalized for comparison its 74% of the capacity of those cables owned by the Joint Applicants 2000, 32,964 circuits will be activated, or 83% of total capacity. In 1997, the total demand on all AOR cables used by the Joint its, including TAT-12/TAT-13, will be 44,539 circuits, more than the 64 kbps circuits, [FN12] which is capacity of TAT-8, TAT-9, TAT-10 scheduled to be placed forecast to be activated on TAT-8, TAT-9, the Joint Applicants, TAT-10 and TAT-11, viz., 39,910
 some 56,774 circuits will be needed
 les by all carriers from 1997 onward demand forecasts in operation in late 11 be 33% and 54% fil will be 29,696, which filled TAT-10 1996.
- projections, is likely to stimulate recognize that to spur but new technology that demand demand there are for new digitized services beyond the forecasts provi uncertainties forecasts provided by increases capacity, inherent in long-range capacity, reliability and could the very Joint well Applicants and quality

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The cost efficiencies of the proposed TAT-12/TAT-13 cable, with its routing diversity and restoration capability, discussed below, may further stimulate demand. In view of the foregoing, we conclude that the proposed construction TAT-12/TAT-13 for operation in 1996 is justified based on demand.

- *6 2. Quality of Service
- restore circuits in case of a facility failure. As a rule, the more independent routes serving a given location, the greater the ability to restore one that fails. Thus, an increase in route or path diversity is the natural consequence of the introduction of another facility into a region. carry traffic protects of. and enhances through the use of more significance in our transoceanic route diversity Media and route Diversity. We previously have found that increasing route diversity to strengthen service reliability is of decisional Ф correspondent's traffic. correspondent's traffic. As a result, an increase in media against the systemic failure of one medium, route, or path. service reliability by increasing the number of independent to our public interest determination to facilities. [FN15] Media diversity മ given location. than one transmission medium, satellite or Media diversity enhances Ιt L'S closely related to an increase in media diversity authorize the construction service reliability the ability cable, routes that Diversity media
- optic ability to restore service via another digital cable facility would be Moreover, the loop feature of the TAT-12/TAT-13 network, coupled with interruption on a particular route or routes would be further minimized, and the would be improved because cables. route We c fiber pair, will ensure nearly instant restoration, as effective diversity both within the network itself diversity by adding another independent cable route. conclude that the introduction of the channel capacity affected by a TAT-12/TAT-13 as proposed will enhance dent cable route. Service reliability facility would be enhanced. as discussed below, and between submarine service its spare മട
- may not be in the best interests of users that may have specific communications capacity the event of a facility outage. TAT-12/TAT-13 will provide restoration capability for AOR facilities in general, both by its loop design, which permit essentially uninterrupted service even if the cable is severed at one location, requirements [FN16] by the Restoration. provides a satisfactory restoration alternative for cable, absolute The availability of other submarine cables, that Commission has previously recognized that, although may Restoration pertains be best accommodated by fiber optic to the ability to maintain service such as TAT-11, cable facilities. satellite TAT-9 and ı,
- restorable TAT-13 will As a result, there will we not age. Moreover, the inthe order of 4.8 Gb other cables are disrupted by an outage. Moreover, the order of 4.8 Gb TAT-13 of very high capacity transmission capacities, in the order of 4.8 Gb coupled with loop configuration design, lightwave amplification technology, coupled with loop common carriers using the cable for their own traffic, cable The introduction of TAT-12/TAT-13 in 1996 to accommodate demand this network highly resistant to disruption by outage and uniquely facilities would provide an additional restoration alternative in the result, there will be digital cable facilities available in the event will in enhance service reliability the event of an outage. o É We conclude existing that th the design and provide 0f for digit in the TAT-Gbps, any AOR. and

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overall AOR telecommunications reliability

- *7 3. Cost Analysis
- cost of a TAT-11 half-MAUO between the U.S. and UTAT-8 half-MAUO is \$22,200. The cost of a simil varied between \$10,000 and \$14,000 per half-MAUO. providing increased capacity while Capacity, [FN17] at which time the cost per half-MAUO will be approximately \$3,100. A comparison of the costs for previously authorized digital cable facilities in the AOR demonstrates that TAT-12/TAT-13 will continue the trend (half-MAUO) is approximately \$6,300 decrease as the unassigned capacity is Joint Applicants' estimated original capital cost of a 64 kbps half-circuit (half-MAUO) is approximately \$6,300. This figure, they claim, will furthe representing about 45.66 percent of the shares in the network. The Joint Application estimates on a transatlantic capacity of 4,032 MIUs for each cable Joint Applicants' This represents reducing share the total utilized by increasing the National per half-MAUO will be total project cost an over-all cost of \$187,500 per projected to be and U.K. is \$9,600. The cost or similar unit of capacity on TAT-9 circuit costs. figure, cost TAT-12/TAT-13 \$345.2 million, based on inves For example, segment. investment further be MIU the The \$756 0 f മ
- . Technological Innovations
- circuits per fiber or 300,000 virtual voice circuits when Digital Circuit Multiplication Equipment is employed also provides a marked increase in overall capacity, compared with the TAT-11 capacity of 252 **4814 MIUs per fiber. [FN18] TAT-13 are significant in several respects. The incorporation of a loop configuration will permit an increase in network reliability because even if the cable is disrupted the alternative route around the loop will permit continuity improvements provides much higher capacity and lower circuit operation for up to 9,000 kilometers. Sifted Fiber which mitigates the effects likelihood and number of component malfunctions, increasing the overall reliability of the SL2000 network. The SL2000 system utilizes Dispers of connectivity. already available in cables in the AOR, the innovations represented by TAT-12/ improvements digital fiber introduce new 23. In determining the need for additional facilities Commission normally considers the extent to which the Competition Considerations using Erbium Doped Fiber Amplifiers for optical amplification reduces use of bit-rate insensitive repeaters having a minimum of active components in readily available optic technology was technology. The operating transmission capacity of In the past, laser compelling, whereas straightforward technology would not The combination of these 0 f hal facilities in a region, the to which the proposed facilities for example, the introduction of fiber dispersion and system utilizes Dispersion While digital technology 60,000 cost. 0 f features allows 64 kbps and the M L [FN18]
- calculated to TAT-12/TAT-13 intramodal competition in the AOR and encourage both private and common carrier prices low. [FN19] satellite and cable facilities to keep their services innovative and their prices low. [FN19] We find that introduction of TAT-12/TAT-13 will enhance intramodal competition can be operators have previously will increase intermodal comp to innovate and price recognized that the enhancement expected to spur providers of both international their offerings in a manner omers. We also find that I competition with INTELSAT of both intermodal and a manner introduction and potential 0 f

(Cite as: 1993 757127, *7 (F.C.C ∞ FCC Rcd. 4810, **4814)

needs in terms of price, service quality, and service availability. $\bf *8$ 6. International Comity efficiency of their operations. The opportunity to choose among facilities further allows service providers to be more responsive and thus will service ate satellite system providers and thereby spur existing provi and satellite capacity to respond competitively. Such compe enable them to maintain, and other users greater choice hem to maintain, or improve and and enhance, the g providers to both h competition will ecting facilities മ to customer economy and of both

projected service needs of their agreed that the TAT-12/TAT-13 network design and 1996 service date will meet acceptance is an important public interest factor. [FN20] Forty-five foreign carriers and telecommunications administrations from thirty-four countries have submarine cable Our decisions authorizing the construction and operation of transoce arine cable systems historically have recognized that correspondent will promote international customers. comity. Thus, we conclude that ani Ω the

The Effect of Price Cap Regulation

and regulatory approximate.

make rational economic decisions and not engage in the price caps systematicles. [FN21] In our TPC-4 Decision, we stated that the price caps systematicisty. The construction of regulation is a disincentive for carriers to engage in the construction of of regulation is a disincentive for carriers to engage in the construction of of regulation is a disincentive for carriers to engage in the construction of regulation is a disincentive for carriers to engage in the construction of regulation is a disincentive for carriers to engage in the construction of regulation facilities because the burden of such investment would fall on the construction of the construction of such investment would fall on the construction of the construction of the construction of such investment would fall on the construction of the c what facilities to construct and when to place them in service should also based on these factors. [FN23]TAT-13 cable network in 1996, we also note that Having determined that there is a need for in unnecessary construction of current competitive conditions the introduction price caps system of. TAT-12/ be on

III. CONCLUSION AND ORDERING CLAUSES

convenience and necessity require the construction of the TAT-12/Network, having an operational capacity of 4.8 Gbps (plus similar pair capacity), to become operational in 1996. In view of the foregoing, we find that the present and future public ience and necessity require the construction of the TAT-12/TAT-13 Ca restoration

U.S.C. §§ 4321-4335 (1976). [FN24] Consequently, no environmental assessmen required to be submitted with this Joint Application under Section 1.1311 of the grant of the requested authorization will not have a significant ef the environment as defined in Section 1.1307 of the Commission's Rules Regulations implementing the National Environmental Policy Act of 1969, U.S.C. §§ 4321-4335 (1976). [FN24] Consequently, no environmental asse Commission's Based on the information provided by the Joint Applicants, Rules. we conclude Rules and assessment effect 42 tha the L'S

authorized CICI d/b/a IDB, HTC, MCII, Sprint, 29. Accordingly, IT IS ORDERED That, pursuant (1982), the application, File No. I-T-C-93-062, terms, conditions, and limitations, and to: TRT/FTC, Worldcom) IS GRANTED, subject to imitations, and the Joint Applicants are to of the Joint Applicants (AT &Section 214, 47 U.S.C. (V) 214 the Ţ,

proposed herein;

ownership basis, in accordance with the interests construct and operate the TAT-12/TAT-13 Cable Network as acquire and activate capacity in the TAT-12/TAT-13 Cable specified in Appendix Network, B; on

required acquire capacity, to re capacity, by lease, extend capacity in th the in such connecting facilities TAT-12/TAT-13 Cable Network Network s as may certified

- additional voice appropriate paths Commission authorizations; circuit multiplicat from the circuits (MIUs) ion equipment (DCME) to derive and authorized herein in accordance
- elecommunications $\star 9$ (e) activate and operate capacity in TAT-12/TAT-13 and aforementioned xtension facilities for the provision of the Joint Applicants' authorized
- in the United States. and Mastic Beach, lease, appropriate IT IS FURTHER ORDERED, New York cable stations and their respective operating offices services to certified points.

 ORDERED, that Joint Applicants are

 connecting facilities between the Green Hill, authorized to acquire Rhode Island Уd
- accordance with Regulation of International Accounting Rates, 7 FCCRcd 559 public unless resale 31. IT IS FURTHER ORDERED, that customers may stomers may not resell international private lines or conr switched network for the provision of international switc authorized to do so by the Commission upon a country-spec opportunities **4815 equivalent to those available under the Joint Applicants' tariffs must international switched country-specific or connect U.S. law, services, them to the finding that 0 f
- (1991), recon. granted in part, 7 FCCRcd 7427 (1992), recon. pending.

 32. IT IS FURTHER ORDERED, that the Joint Applicants shall make available half interests in the TAT-12/TAT-13 capacity to such present and future U.S. carrier as may be authorized by the Commission to acquire such capacity.

 33. IT IS FURTHER ORDERED, that the Commission retains jurisdiction to reallocate U.S. carriers' interests and capacity herein authorized, as the llf-
- efficient use, of both this cable between the United States and the matters concerned, with, where required, the concurrence of the foreign administration or carri public interest may require to accommodate additional carriers or otherwise cerned, and further, jurisdiction is retained by the Commission over all ters relating to the Joint Applicants' ownership, management, maintenance operation of the cable network as authorized herein, to ensure the most of both this cable network and all means Atlantic Ocean Region. of communications maintenance,
- equipment as may be necessary. 35. IT IS FURTHER ORDERED. +h the DCME, multiplexing and interworking arrangements and costs thereof and to require such changes in the provision IT IS FURTHER ORDERED, that the Commission retains jurisdiction to DCME, multiplexing and interworking arrangements and attribution of thereof and to require such changes in the provision of these servences. services the review and
- 35. IT IS FURTHER ORDERED, that no Joint Applicant herein that is deemed a dominant carrier pursuant to the Commission's decision in CC Docket No. 85- 107 [FN25] or CC Docket No. 91-360 [FN26] shall either dispose of any ownership interest in TAT-12/TAT-13 capacity it is authorized to acquire to any entity on a non-U.S. telecommunications ownership basis or dispose Commission. service provider without prior of any interest in any such capacity in authorization by any way
- O f Commission's each month providing the information for the preceding month.
 7. This order is issued under Section 214 of the Communication facility use in the monthly Status Reports filed pursuant to tlsion's Orders. These reports shall be filed no later than the FURTHER ORDERED, that the Joint Applicants shall include the TAT-12/ 20th
- and Section 0.291 of the Petitions for recons of the Rules, 47 C.F.R reconsideration under 47 C.F.R. of the . § 0.291, Section 1. Communications and .106 L'S 02 applications effective upon Act, 47 U.S.C

(Cite as: 1993 ¥ 75712 7 *9 (F.C.C ٠ ∞ FCC Rcd. 4810, **4815)

for review under Section 1.115 of the Rules public notice of this order (see Section 1. *10 FEDERAL COMMUNICATIONS COMMISSION may be filed 4(b)(2). within ώ 0 days 0

Levitz

Acting Chief, Common Carrier bureau FN1. The Joint Applicants supplemented their Section 214 Application by Rules. individual circuit activation figures under separate coverant confidentiality pursuant to Sections 0.457 and 0.459They also filed additional data to show demand for all current er and under a reque of the Commission's digital filing request

submarine cables serving the same points.
FN2. The Joint Applicants include American Telephone and Telegraph Company & T), CICI, Inc. d/b/a IDB International (IDB International), GTE Hawaiian Telephone Company Incorporated (HTC), MCI International, Inc. (MCII), Sprint Communications Company Limited Partnership Inc. (Worldcom) (Sprint), TRT/FTC Communications

to seek the appropriate authority as may be req FN4. See Attachment B to the Joint Application. FN5. An MIU is the minimum unit of investment fInc. (TRT/FTC), and World Communications, Inc. (Worldcom) FN3. Initially, Joint Applicants may not be certified to countries or territories which the facilities covered by countries/territories by means capable of serving. Each individual of dual applicant proposing an extension into such the TAT-12/TAT-13 facilities will be required required at the time. the Application are serve directly all

network, allowing the use of 2.048 Mbit/s and the additional 420,571.43 bits p second required for multiplexing in each direction. The term MIU is increasingly used in high capacity cable applications. As harkerness, that an MAUO (minimum accient) that an MAUO (minimum assignable unit of ownership) is an equivalent voichannel (circuit) operating at 64,000 bits per second with an additional 9,684,656 bits per second required for multiplexing for a total of 73,68 bits per second in each direction at the System Interface locations. The second is each direction at the system interface locations. total of 73,684,65 Thirt K 9 ре

FN7. (30) MAUOs are the equivalent of 1 MIU.
FN6. The cost per half-MAUO will further decrease, Joint Applicants say,
Unassigned Capacity is utilized by increasing the Notional Capacity. W approximately Notional Capacity American Telephone and Telegraph Company et al., 4 Price Cap Decision, 4 FCCRcd 2873 (1989).

In a separate decision, we also and apacity, the cost per decision, 4 price Cap De half-MAUO n. 5. FCCRcd ∞ 0 4 N $\widehat{1}$ 9 When $\overline{\infty}$ as the the

FN8.

FN9. S-C-L-93-004 cable In a separate decision, ... landing license pursuant to the Cable Land-93-004 (DA 93-822, adopted July 7, 1993). the Joint Applicants' e Landing License Act. re equest for See File N No Ф

FN10. AT & 248, 256 (1979).

Common Carrier Facilities to Meet Pacific Telecommunications Needs during Period 1981-1985 (POR Planning), 102 F.C.C.2d 353, 355 (1985). (Com.Car.Bur.1988). See, e.g., 988). See also Po Facilities to Meet (TAT-9 Order), Policies to r), 4 FCCRcd 1129, 1131 be Followed in the Authorization the 0

See n. 1, supra.

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FN20. 87-.313, See • FCCRcd Policy and I 2873 Rules Co 3 (1989) Concerning Rates
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(TPC-FN22. See 4 Decision) . American Telephone and Telegraph, et. al. 4 **FCCRcd** 08 142 80 4 \mathcal{G} (1989)

FN23. at 8046.

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FN24. Internat ciona. Competitive Carrier 10 N F.C. 7331 Ω 2d ∞ 312, ∞ N N 9 ∞ S

See International Services Order, 7 **FCCRcd** (1992).

**4816 APPENDIX A

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**4817 APPENDIX B

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⁰ 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

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MIUS ASSIGNED TAT-12/TAT-13 CABLE NETWORK BETWEEN THE SYSTEM INTERFACES LONG ISLAND AND
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⁰ 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

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(Cite as: 1993 WL 757127, *10 (F.C.C.), ∞ FCC Rcd. 4810, **4817)

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