

DA 93-843

*1 IN THE MATTER OF
RCI NETWORK SERVICES, INC.
APPLICATION FOR AUTHORITY PURSUANT TO SECTION 214 OF THE COMMUNICATIONS ACT, AS
AMENDED TO CONSTRUCT AND OPERATE POINT-TO-POINT MICROWAVE FACILITIES TO PROVIDE
COMMON CARRIER SERVICE BETWEEN THE UNITED STATES AND CANADA

File No. **I-T-C-93-186**

Adopted: July 19, 1993; Released: August 9, 1993

****5449 ORDER AND AUTHORIZATION**

By the Chief, International Facilities Division:

1. Upon consideration of the above-captioned uncontested application, filed by RCI Network Services, Inc. (RCI) pursuant to Section 214 of the Communications Act of 1934, as amended, we find that the present and future public convenience and necessity require its grant.

2. Accordingly, IT IS ORDERED that application File No. **I-T-C-93-186** IS GRANTED and RCI is authorized to operate 8 T-1 circuits to provide switched and private line services between the United States and Canada via point-to-point microwave facilities.

3. IT IS FURTHER ORDERED that the authority granted herein to establish channels of communication between microwave stations at Buffalo, New York and Ft. Erie, Ontario, Canada for the authorized services herein does not dispense with the requirement that the U.S. microwave stations shall be authorized under Title III of the Communications Act. [FN1]

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 handling 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 person or companies controlling or controlled by RCI are parties.

5. IT IS FURTHER ORDERED that RCI shall file copies of any operating agreements, including the applicable accounting rate, entered into with its correspondents within 30 days of their execution, and shall otherwise comply with the filing requirements contained in Section 43.51 of the Commission's Rules, [47 C.F.R. § 43.51](#)

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(Cite as: 1993 WL 757242 (F.C.C.), 8 FCC Rcd. 5449)

6. IT IS FURTHER ORDERED that our authorization of RCI to provide private lines is limited to the provision of such private lines only between the United States and Canada--that is, private lines which originate in the United States and terminate in Canada or originate in Canada and terminate in the United States. In addition, RCI may not--and RCI's tariffs must state that RCI's customers may not--connect private lines provided over these facilities to the public switched network at either the U.S. or the Canadian end, or both, for the provision of international basic telecommunications services, including switched voice services, unless authorized to do so by the Commission upon a finding that Canada affords resale opportunities equivalent to those available under U.S. law, in accordance with [Regulation of International Accounting Rates, Phase II, First Report and Order, 7 FCCRcd 559 \(1991\)](#), Order on Reconsideration and Third Further Notice of Proposed Rulemaking ([Third Further Notice](#)), [7 FCCRcd 7927 \(1992\)](#), [fONOROLA Corporation and EMI Communications Corporation \(fONOROLA/EMI Order\)](#), [7 FCCRcd 7312 \(1992\)](#), petition for reconsideration pending.

*2 7. IT IS FURTHER ORDERED that this Order may be subject to future modification pursuant to the outcome of the Third Further Notice, [fONOROLA/EMI Order](#), petition for reconsideration pending, and any related proceedings.

8. IT IS FURTHER ORDERED that RCI shall file tariff provisions pursuant to Section 203 of the Communications Act of 1934, [47 U.S.C. § 203](#), and Part 61 of the Commission's Rules, [47 C.F.R. Part 61](#), for the services authorized herein.

9. IT IS FURTHER ORDERED that RCI shall file the annual reports of overseas telecommunications traffic required by Section 43.61 of the Communications Act, [47 C.F.R. § 43.61](#).

10. IT IS FURTHER ORDERED that RCI shall file semi-annual reports of circuit additions to Canada, pursuant to Section 63.15 of our Rules, [47 C.F.R. § 63.15](#).

11. 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 and shall otherwise comply with the filing requirements contained in [Section 43.51](#) of the Commission's Rules, [47 C.F.R. § 43.51](#), and in [Regulation of International Accounting Rates, Phase II, First Report and Order, 57 Fed.Reg. 646 \(1992\)](#) (codified at [47 C.F.R. § 43.51\(a\)\(3\)](#)).

12. 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\(a\)](#).

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.

****5450** 14. This order is issued pursuant to Section 0.291 of the Commission's Rules and is effective 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 date of 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 has pending an application Form 494, filed May 5, 1993, for the requisite Title III authorization to construct its domestic point-to-point microwave station. See File No. 041-72-CF-P-93.

FCC

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