

ITC-214-1993-0628-00249

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<b>(Cite as: 1993 WL 392344 (F.C.C.), 8 FCC Rcd. 7260)</b>			

DA 93-1184

**\*1** IN THE MATTER OF  
MCI TELECOMMUNICATIONS CORP. AMERICAN TELEPHONE & TELEGRAPH CO.  
APPLICATIONS FOR AUTHORITY, PURSUANT TO SECTION 214 OF THE COMMUNICATIONS ACT,  
AS AMENDED, TO ESTABLISH SERVICE BETWEEN THE UNITED STATES AND THE DEMOCRATIC  
PEOPLE'S REPUBLIC OF KOREA ON A SWITCHED TRANSIT BASIS  
File Nos. **I-T-C-93-249**

I-T-C-93-282  
**Adopted: September 28, 1993; Released: October 5, 1993**  
**\*\*7260 ORDER, AUTHORIZATION AND CERTIFICATE**

By the Chief, International Facilities Division:

1. Upon consideration of the above-captioned uncontested applications, filed pursuant to Section 214 of the Communications Act of 1934, as amended, we find that the present and future public convenience and necessity will be served by authorization of the requested facilities and services. [FN1]
2. Accordingly, IT IS ORDERED that application File No. **I-T-C-93-249** IS GRANTED, and MCI is authorized to use previously-authorized circuits between the U.S. and Hong Kong, connecting with facilities of its correspondent in Hong Kong for the provision of international virtual private network (IVPN) service between the Permanent Mission of the Democratic People's Republic of Korea to the United Nations in New York City (Mission) and the Democratic People's Republic of Korea (North Korea). [FN2]
3. IT IS FURTHER ORDERED that application File No. I-T-C-93-282 IS GRANTED, and AT & T is authorized to use previously-authorized circuits between the U.S. and either Hong Kong or Japan, connecting with facilities of its correspondent in Hong Kong or Japan for the provision of IVPN service between the Mission and North Korea.
4. IT IS FURTHER ORDERED that neither the applicants nor any persons or companies directly or indirectly controlling or controlled by the applicants, or under direct or indirect common control with the applicants, 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 the applicants or any persons or companies controlling or controlled by the applicants are parties.
5. IT IS FURTHER ORDERED that our authorization of the applicants to provide IVPN is limited to the provision of such service only between the Mission and North Korea--that is, service which originates at the Mission and terminates in North Korea, or which originates in North Korea and terminates at the Mission.
6. IT IS FURTHER ORDERED that the applicants shall file with the Commission copies of any operating agreements they enter into with foreign correspondents within 30 days of its 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.
7. IT IS FURTHER ORDERED that the applicants shall file tariffs pursuant to

8 F.C.C.R. 7260

**(Cite as: 1993 WL 392344, \*1 (F.C.C.), 8 FCC Rcd. 7260, \*\*7260)**

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.

**\*2** 8. IT IS FURTHER ORDERED that the applicants shall file annual reports of overseas telecommunications traffic for North Korea, as required by Section 43.61 of the Commission's Rules, 47 C.F.R. § 43.61.

9. IT IS FURTHER ORDERED that each applicant shall file an application pursuant to Section 214 of the Communications Act, 47 U.S.C. § 214, before adding any circuits or channels of communication.

10. IT IS FURTHER ORDERED that this authorization is subject to further Commission action on the issue of transiting.

11. IT IS FURTHER ORDERED that the continued effectiveness of this authorization is contingent upon the applicants' compliance with applicable Treasury Department regulations and licenses regarding service to North Korea.

12. This order is issued under 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 public notice of this order (see Section 1.4(b)(2)).

**\*\*7261** FEDERAL COMMUNICATIONS COMMISSION

George S. Li

Chief, International Facilities Division

Common Carrier Bureau

FN1. By letter dated September 24, 1993, the U.S. Department of State gave its approval for the grant of MCI's and AT & T's applications. See Letter, dated September 24, 1993, from Randolph C. Earnest to George S. Li, Chief, International Facilities Division, Common Carrier Bureau. In addition, both MCI and AT & T have obtained licenses from the Department of the Treasury, permitting them to engage in "[a]ll transactions incident to the provision of voice and facsimile telecommunications services" between the requested points. See Department of the Treasury, License Nos. B-92118 and B-92119, issued February 12, 1993. As a condition of the license, both MCI and AT & T must

"establish a blocked account for any funds that may accrue to [North Korea] as a result of these services." Id.

FN2. MCI states that a programmed switch will ensure that all outgoing calls over the proposed circuit will originate exclusively from within the Mission, and all incoming calls will terminate exclusively at the Mission. AT & T states that it will employ existing technology which can block all calls to North Korea from any telephone in the United States, other than the three telephone numbers serving the Mission.

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