

File 214-19931115-00256

1994 WL 97827 (F.C.C.), 9 F.C.C.R. 1614, 9 FCC Rcd. 1614

DA 94-261

***1** IN THE MATTER OF
TELEDATA INTERNATIONAL, INC.
APPLICATION FOR AUTHORITY TO ACQUIRE AND OPERATE FACILITIES FOR IBS, DATANET
AND TELEVISION SERVICE AND FOR SERVICE BETWEEN THE U.S. AND SOMALIA.

File No. **I-T-C-93-274**

Adopted: March 16, 1994; Released: March 28, 1994

****1614 ORDER, AUTHORIZATION AND CERTIFICATE**

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 provision of INTELSAT Business Service (IBS), DataNet Service, International Television Service and switched voice service between the U.S. and Somalia by TeleData International, Inc. (TDI).
2. Accordingly, IT IS ORDERED that application File No. **I-T-C-93-274** IS GRANTED, and TDI is authorized to:
 - a. lease from Comsat and operate ten (10) 64-kbps satellite circuits between the Washington International Teleport (WIT) earth station and an appropriate INTELSAT satellite over the Atlantic Ocean Region (AOR), connecting with similar circuits between the satellite and an earth station in Somalia, furnished by TDI's correspondent in Somalia; [FN1]
 - b. lease and operate 10 64-kbps circuits in the WIT earth station;
 - c. lease and operate necessary domestic connecting facilities; and
 - d. use the facilities in a, b and c above to provide international switched voice, private line services, IBS, Datanet Service, and International Television Service between the U.S. and Somalia.
3. IT IS FURTHER ORDERED that the authority granted herein for TDI to establish channels of communication between a WIT earth station and INTELSAT satellites does not dispense with the requirement that any earth station TDI may use in the future for this service shall be authorized under Title III of the Communications Act of 1934, as amended, to communicate with those satellites.
4. IT IS FURTHER ORDERED that no material changes inconsistent with this or any other relevant Commission order shall be made before final execution of an operating agreement between TDI and its correspondent, and a copy of the agreement shall be filed with the Commission within 30 days of its execution.
5. IT IS FURTHER ORDERED that our authorization of TDI to provide private lines is limited to the provision of such private lines only between the United States and Somalia--that is, private lines which originate in the United States and terminate in Somalia or which originate in Somalia and terminate in the United States. In addition, TDI may not--and TDI's tariff must state that TDI's customers may not--connect private lines provided over these facilities to the public switched network at either the U.S. or foreign end, or both, for the provision of international switched services, unless authorized to do so by the Commission upon a finding that the foreign administration 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), and Order on Reconsideration and Third Further Notice of Proposed Rulemaking, 7 FCCRcd 7927 (1992), petition for reconsideration pending.
- *2 6. IT IS FURTHER ORDERED that neither TDI nor any persons or companies directly or indirectly controlling or controlled by TDI, 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 TDI or any persons or companies controlling or controlled by TDI are parties.

7. 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 service authorized in this Order.
8. IT IS FURTHER ORDERED that the applicant 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.
9. IT IS FURTHER ORDERED that the applicant shall file semi-annual circuit reports pursuant to Section 63.15(b) of the Commission's Rules, 47 C.F.R. § 63.15(b).
10. IT IS FURTHER ORDERED that this authorization is subject to the continued effectiveness of UNOSOM's authorization for TDI to provide service between the U.S. and Somalia.
11. The Commission retains jurisdiction over this matter to reallocate circuits in the satellite system among the various international common carriers and other authorized users as required to ensure nondiscriminatory use of, and equitable access to, the communications satellite system.
- **1615** 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 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. At present there is no recognized government in Somalia. The State Department has informed the Commission that authorization from United Nations Operations in Somalia (UNOSOM) will suffice for purposes of enabling communications to be provided between the U.S. and Somalia. By letter dated February 8, 1994, TDI submitted a copy of its contract with UNOSOM.
- FCC
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