

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

BUSINESS TELECOM, INC.

Application for authority to
acquire and operate facilities
for service to various overseas
points.

File No. I-T-C-95-404

ORDER, AUTHORIZATION AND CERTIFICATE

Adopted: August 30, 1995; Released: September 8, 1995

By the Chief, Telecommunications 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 a partial grant thereof.

2. Accordingly, IT IS ORDERED that application File No. I-T-C-95-404 IS GRANTED, and Business Telecom, Inc. (BTI) is authorized to:

a. establish channels of communication between appropriately licensed U.S. earth stations and INTELSAT satellites, for provision of Intelsat Business Services (IBS), International Television Service and Datanet Service between the United States and the international points listed in Comsat's tariffs for the space segment of these services;

b. lease from Comsat and operate the satellite circuits specified in Appendix A, between appropriately licensed U.S. earth stations and INTELSAT Atlantic and Pacific Ocean Region satellites, connecting with similar facilities between the satellites and the overseas points listed in Appendix A, furnished by its correspondents;

c. lease from PanAmerican Satellite Corp. (PAS) and operate the satellite circuits specified in Appendix B, between appropriately licensed U.S. earth stations and the PAS-1, PAS-2 and PAS-4 satellites, connecting with similar circuits between the satellites and the overseas points listed in Appendix B, furnished by its correspondents;

d. lease from the Columbia/TDRSS International Satellite System (TDRSS) and operate the satellite circuits specified in Appendix C, between appropriately licensed U.S. earth stations and the TDRS-41 and TDRS-174 satellites, connecting with similar circuits between the satellites and the overseas points listed in Appendix C, furnished by its correspondents;

e. lease from Orion Satellite Corporation (Orion) and operate the satellite circuits specified in Appendix D, between appropriately licensed U.S. earth stations and the Orion F1 satellite, connecting with

similar circuits between the satellite and the overseas points listed in Appendix D, furnished by its correspondents;

f. establish channels of communication between appropriately licensed U.S. earth stations and U.S. domestic satellites (also Anik satellites for service to Canada, and Mexican domestic satellites for service to Mexico), for provision of authorized transborder services between the United States and the points listed in Appendix E;

g. lease and operate any necessary domestic connecting facilities;

h. lease a one-half interest in and operate any necessary overseas connecting facilities; and

i. use the facilities in b, c, d and e, above, to provide regularly authorized services, including switched voice and data and private line services, between the United States and the points listed in the Appendices.

3. IT IS FURTHER ORDERED that neither BTI nor any persons or companies directly or indirectly controlling or controlled by BTI, 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 BTI or any persons or companies controlling or controlled by BTI are parties.

4. IT IS FURTHER ORDERED that our authorization of BTI to provide private lines as part of its authorized services is limited to the provision of such private lines only between the United States and the countries listed in the Appendices -- that is, private lines which originate in the United States and terminate in one of the countries listed in the Appendices or which originate in one of the countries listed in the Appendices and terminate in the United States. In addition, BTI may not -- and BTI's tariff must state that its 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 basic services, unless authorized to do so by the Commission upon a finding that the destination country 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 FCC Rcd 559 (1991), *Order on Reconsideration and Third Further Notice of Proposed Rulemaking*, 7 FCC Rcd 7927 (1994), *petition for reconsideration pending*.

5. IT IS FURTHER ORDERED that the applicant shall file copies of any operating agreements entered into with its 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.

6. IT IS FURTHER ORDERED that the applicant shall file a tariff 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.

7. 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.

8. 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), for the common carrier facilities authorized herein.

9. 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.

10. IT IS FURTHER ORDERED that the applicant shall file a separate Section 214 application for any additional circuits it seeks to operate via the PAS-1, PAS-2, PAS-4, TDRS-41, TDRS-174, or Orion F1 satellites.

11. IT IS FURTHER ORDERED that the number of circuits authorized herein for the provision of services via separate satellite systems is subject to limitations on the number of circuits specified under the separate systems policy and applicable consultations under Article XIV(d) of the INTELSAT Agreement. §12. This Order is issued under Section 0.261 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

Diane J. Cornell
Chief, Telecommunications Division
International Bureau

APPENDIX A**COUNTRIES TO BE SERVED VIA INTELSAT**

<u>Country</u>	<u>Circuits</u>	<u>Country</u>	<u>Circuits</u>	<u>Country</u>	<u>Circuits</u>
Argentina	50	Guatemala	50	Panama	50
Australia	50	Guinea	50	Peru	50
Austria	50	Haiti	50	Philippines	50
		Honduras	50	Poland	50
Bahamas	50	India	50	Portugal	50
Barbados	50	Indonesia	50	Romania	50
Belgium	50	Iran	50		
Bolivia	50	Ireland	50	Saudi Arabia	50
Bosnia-Herzegovina	50	Israel	50	Senegal	50
Brazil	50	Italy	50	Serbia &	
Canada	50	Jamaica	50	Montenegro	50
Czech Republic	50	Japan	50	Singapore	50
Chile	50	Jordan	50	Slovenia	50
China, People's Republic	50	Kenya	50	Somalia	50
Croatia	50	Korea, Republic of	50	South Africa	50
Denmark	50	Kuwait	50	Spain	50
Dominican Republic	50	Lebanon	50	Sweden	50
Ecuador	50	Liechtenstein	50	Switzerland	50
Egypt	50	Luxembourg	50	Syria	50
El Salvador	50	Macedonia, FYRO	50	Taiwan	50
Ethiopia	50	Malaysia	50	Thailand	50
Finland	50	Mexico	50	Trinidad & Tobago	50
France	50	Morocco	50	Uganda	50
		Netherlands	50	United Arab Emirates	50
		Netherlands Antilles	50	United Kingdom	50
Germany, Federal Republic of	50	New Zealand	50	Uruguay	50
Ghana	50	Nicaragua	50	Vietnam	50
Greece	50	Norway	50	Venezuela	50
Guantanamo Bay	50			Zaire	50

APPENDIX B

**COUNTRIES TO BE SERVED VIA PAS-1
(NOT INTERCONNECTED)**

Up to ten 64-Kbps voice-grade circuits between the United States and the countries listed below:

Ku-band Countries

Anguilla	Italy
Austria	Luxembourg
Azerbaijan	Monaco
Bahamas	Macedonia, FYRO
Belgium	Montserrat
Bermuda	Netherlands
Bosnia-Herzegovina	Portugal
British Virgin Is.	Romania
Cayman Islands	Russian Federation
Croatia	Serbia & Montenegro
Czech Republic	Slovenia
Denmark	Spain
France	Sweden
Germany	Switzerland
Greece	Turks & Caicos Is.
Ireland	United Kingdom

C-band Countries

Anguilla	Guatemala
Argentina	Haiti
Aruba	Honduras
Bahamas	Jamaica
Barbados	Mexico
Bermuda	Montserrat
Bolivia	Netherlands Antilles
Brazil	Panama
British Virgin Is.	Paraguay
Cayman Islands	Peru
Chile	Trinidad and Tobago
Colombia	Turks & Caicos Is.
Costa Rica	Uruguay
Dominican Rep.	Venezuela
Ecuador	

**COUNTRIES TO BE SERVED VIA PAS-1
(INTERCONNECTED)**

Up to six 64-Kbps voice-grade circuits between the United States and the countries listed below:

Ku-band Countries:

Azerbaijan
Bahamas
Bosnia-Herzegovina
Czech Republic
Portugal
Romania
Russian Federation
Serbia & Montenegro
United Kingdom

C-Band Countries:

Bahamas
Costa Rica
Dominican Republic
Netherlands Antilles
Panama
Peru

**COUNTRIES TO BE SERVED VIA PAS-2
(NON-INTERCONNECTED)**

Up to ten 64-Kbps voice-grade circuits between the United States and the country listed below:

United Kingdom

**COUNTRIES TO BE SERVED VIA PAS-2
(INTERCONNECTED)**

Up to six 64-Kbps voice-grade circuits between the United States and the country listed below:

United Kingdom

**COUNTRIES TO BE SERVED VIA PAS-4
(NON-INTERCONNECTED)**

Up to ten 64-Kbps voice-grade circuits between the United States and the countries listed below:

Australia
Hong Kong
New Zealand

**COUNTRIES TO BE SERVED VIA PAS-4
(INTERCONNECTED)**

Up to six 64-Kbps voice-grade circuits between the United States and the countries listed below:

Australia
Hong Kong
New Zealand

APPENDIX C

COUNTRIES TO BE SERVED VIA COLUMBIA'S TDRSS
(NON-INTERCONNECTED)

Up to ten 64-Kbps voice-grade circuits between the United States and the countries listed below:

TDRSS-41	TDRSS-174
Austria	Hong Kong
Bahamas	Japan
Belgium	Mexico
Bosnia-Herzegovina	Philippines
Canada	Republic of Korea
Denmark	
Finland	
France	
Germany	
Ireland	
Israel	
Jamaica	
Liechtenstein	
Luxembourg	
Mexico	
Netherlands	
Portugal	
Serbia & Montenegro	
Sweden	
Switzerland	
Turkey	
United Kingdom	

COUNTRIES TO BE SERVED VIA TDRSS
(INTERCONNECTED)

Up to six 64-Kbps voice-grade circuits between the United States and the countries listed below:

TDRS-41	TDRS-174
Germany	Hong Kong
Bosnia-Herzegovina	
Serbia & Montenegro	
United Kingdom	

APPENDIX D

COUNTRIES TO BE SERVED VIA ORION SATELLITE
CORPORATION'S
F1 SATELLITE
(INTERCONNECTED)

Up to six 64-Kbps voice-grade circuits between the United States and the countries listed below:

Germany
Ireland
The Netherlands
Poland
Sweden

COUNTRIES TO BE SERVED VIA ORION SATELLITE
CORPORATION'S
F1 SATELLITE
(NON-INTERCONNECTED)

Up to ten 64-Kbps voice-grade circuits between the United States and the countries listed below:

Austria	Norway
Belgium	Poland
Denmark	Serbia & Montenegro
France	Sweden
Germany	The Netherlands
Ireland	United Kingdom
Italy	
Luxembourg	

APPENDIX E

COUNTRIES TO BE SERVED VIA AUTHORIZED
U.S. DOMESTIC SATELLITES, MEXICAN MORELOS
AND SOLIDARIDAD
SATELLITES, AND ANIK SATELLITES

Anguilla	Domestic Satellites
Antigua and Barbuda	Domestic Satellites
Bahamas	Domestic Satellites
Barbados	Domestic Satellites
Belize	Domestic Satellites
Bermuda	Domestic Satellites
British Virgin Islands	Domestic Satellites
Canada	Domestic Satellites, ANIK
Cayman Island	Domestic Satellites
Dominica	Domestic Satellites
Grenada	Domestic Satellites
Grenadines	Domestic Satellites
Mexico	Domestic Satellites, Morelos and Solidaridad
Montserrat	Domestic Satellites
Netherlands Antilles	Domestic Satellites
St. Kitts & Nevis	Domestic Satellites
St. Lucia	Domestic Satellites
St. Vincent	Domestic Satellites
Turks & Caicos	Domestic Satellites
Venezuela	Domestic Satellites