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Federal Communications Commission (F.C.C.)

Order, Authorization and Certificate

IN THE MATTER OF PRIMUS TELECOMMUNICATIONS, INC.
File No. **I-T-C-96-075**

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

DA 96-860
Adopted: May 28, 1996
Released: June 5, 1996

***6405** 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-96-075** IS GRANTED IN PART, and Primus Telecommunications, Inc. (Primus) 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 Tariff FCC No. 1, 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. acquire on an Indefeasible Right of User basis a one-half interest in and operate the cable facilities listed in Appendix F;

g. lease and operate any necessary domestic connecting facilities;

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

i. use the facilities in b, c, d, e, f, g and h, 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;

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

3. IT IS FURTHER ORDERED that our authorization of Primus 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, Primus may not -- and Primus'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 [Foreign Carrier Entry Order, 11 FCC Rcd 3873 \(1995\)](#). The limitations in this paragraph are subject to the exceptions contained in Sections 63.01(k)(6)(i) and 63.17 of the Commission's Rules, [47 C.F.R. §§ 63.01\(k\)\(6\)\(i\) and 63.17](#). See also [Cable & Wireless, et al., 11 FCC Rcd 1766 \(1996\)](#), para. 36.

4. 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](#).

5. 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.

6. 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.

7. IT IS FURTHER ORDERED that the applicant shall file annual circuit status reports in accordance with the requirements set forth in Rules for Filing of International Circuit Status Reports, CC Docket No. 93-157, Report and Order, 10 FCC Rcd 8605 (1995).

*6406 8. 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.

9. 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 satellite, or the ALOHA, NPC, CANUS-1 or PTAT-1 Cable System.

10. 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.

11. IT IS FURTHER ORDERED that action on the applicant's requests to acquire Morelos and Solidaridad circuits to countries in addition to Mexico, is hereby DEFERRED pending the outcome of the Notice of Proposed Rulemaking on Separate International Satellite Systems. [FN1] Applicants requests to acquire facilities in Intersputnik and Soviet domestic satellite systems are also deferred pending future action by the Commission.

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

FN1. See Amendment to the Commission's Regulatory Policies Governing Domestic Fixed Satellites and Separate International Satellite Systems, IB Docket No. 95-41, FCC 96-14, released January 22, 1996, paragraph 5.

APPENDIX A

Countries To Be Served Via Intelsat

Up to 80 64 Kbps voice-grade circuits between the United States and each of the countries listed:

Australia	Mexico
China	Pakistan
Colombia	Philippines
Dominican Republic	Russia
El Salvador	South Korea
Honduras	Taiwan
India	United Kingdom
Iran	Vietnam
Israel	Venezuela

APPENDIX B

Countries To Be Served Via PAS-1

Up to 30 2.048-Mbps non-interconnected circuits between the United States and each of the countries listed below:

Ku-band Countries	C-band countries
Russian Federation	Colombia
United Kingdom	Dominican Republic
	Honduras
	Mexico
	Venezuela

Up to 30 2.048-Mbps interconnected circuits between the United States and each of the countries listed below:

Ku-band Countries

Dominican Republic

Russian Federation

United Kingdom

Countries To Be Served Via PAS-2

Up to 30 2.048-Mbps non-interconnected and 30 2.048-Mbps interconnected circuits between the United States and the following country:

United Kingdom

Countries To Be Served Via PAS-4

Up to 30 2.048-Mbps non-interconnected and 30 2.048-Mbps interconnected circuits between the United States and the country listed below:

Australia

*6407 APPENDIX C

Countries To Be Served Via Columbia's TDRSS

Up to 30 2.048-Mbps non-interconnected circuits between the United States and each of the countries listed below:

TDRSS-41	TDRSS-174
Mexico	Mexico
United Kingdom	

Up to 30 2.048-Mbps interconnected circuits between the United States and the country listed below:

TDRSS-41

United Kingdom

APPENDIX D

Countries To Be Served Via The Orion F1 Satellite

Up to 30 2.048-Mbps non-interconnected circuits between the United States and the country listed below:

United Kingdom

APPENDIX E

Countries To Be Served Via Authorized U.S. Domestic Satellites, and Mexican Morelos and Solidaridad Satellites

Colombia	DomSats
El Salvador	DomSats

Honduras		DomSats
Mexico	DomSats, Morelos and Solidaridad	
Venezuela		DomSats

APPENDIX F

CABLE FACILITIES

CABLE SYSTEM	CAPACITY	COUNTRIES
NPC	3 Els	Philippines, South Korea
ALOHA	3 Els	Hawaii
PTAT-1	3 Els	UK
CANUS-1/ CANTAT-3	3 Els	Canada, UK

1996 WL 294376 (F.C.C.), 11 F.C.C.R. 6405, 11 FCC Rcd. 6405

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