



PUBLIC NOTICE 1144

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W.
WASHINGTON, D.C. 20554

News media information 202 418-0500. Recorded listing of releases and texts 202 418-2222

570
--214
file
M200 DD copy

REPORT # I- 8168

11 April 1996

OVERSEAS COMMON CARRIER SECTION 214 APPLICATION ACTIONS TAKEN (Formal Section 63.01)

The following applications for international section 214 certification have been granted effective April 8, 1996 pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's Rules, 47 C.F.R. (All are resale of public switched service).

<u>ITC File No.</u>	<u>Applicant</u>
ITC-96-107	Telepacific Network, Inc.
→ ITC-96-108	Kingsgate Telephone, Inc.
ITC-96-113	Atlantic Cellular/New Hampshire RSA Number One, L.P.
ITC-96-114	Mountain Cellular, L.P.
ITC-96-115	Atlantic Cellular Company, L.P.

The applicants listed above are authorized to provide international switched services by reselling the international switched services of other carriers as listed in their application and only in accordance with all rules, regulations and policies of the Commission.

Correction

Application filed by International Exchange Networks, Ltd. (ITC-96-096) to resell international private line services to provide switched telecommunications services between the United States, Canada, United Kingdom and other international points was erroneously listed as granted under the Commission's streamlined processing procedures in the April 4, 1996 Public Notice of actions taken (Report No. I-8167). This application was removed from streamlined processing in the March 26, 1996 Public Notice (Report No. I-8164) and will be acted on by formal written order.

Applicants shall file annual reports of circuit additions 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). Applicants also shall file with the Commission a copy of any operating agreement entered into with their foreign correspondents within thirty (30) days of its execution, and shall otherwise comply with the filing requirements contained in Section 43.51 of the Commission's Rules. In addition, those applicants reselling international private lines shall file all arrangements for private line interconnection to the United States public switched network pursuant to this section.

Those applicants reselling international private lines for the provision of non-interconnected private line service are limited to the provision of such private line service only between the United States and those points listed in their application - - that is, private lines which originate in the United States and terminate in one of the points listed in their application, or which originate in one of the points listed in their application and terminate in the United States. In addition, applicants may not - - and the applicants' tariffs must state that the applicants' 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 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 FCC Rcd 559 (1991), Order on Reconsideration and Third Further Notice of Proposed Rulemaking, 7 FCC Rcd 7927 (1992), petition for reconsideration pending.

In addition, applicants authorized to resell international private lines for the provision of switched services between the United States and Canada or Sweden or the United Kingdom are limited to the provision of such services between the United States and Canada or Sweden or the United Kingdom -- that is, private lines which carry traffic that originates in the United States, and terminates in Canada or Sweden or the United Kingdom, or traffic that originates in Canada or Sweden or the United Kingdom, that terminates in the United States. This restriction is subject to the following exceptions: (a) the applicants may engage in "switched hubbing" consistent with the rules adopted in Market Entry and Regulation of Foreign-affiliated Entities, FCC 95-475, released November 30, 1995, paras. 169-70, and (b) applicants may provide U.S. inbound or outbound switched basic service via their authorized resold private lines extending between the United States, the United Kingdom and Sweden.

Grant of applications to resell international private lines for the provision of switched services and interconnected private line services between the United States and Canada, Sweden and/or the United Kingdom is conditioned upon Canada, Sweden and/or the United Kingdom continuing to afford resale opportunities equivalent to those available under U.S. law. In addition, all such non-dominant private line

resellers are required to file with the Commission on a semi-annual basis the information contained in the annual traffic reports required by Section 43.61 of the Commission's Rules. This reporting requirement applies to traffic carried through December 1995 for Canada, December 1997 for the United Kingdom, and December 1999 for Sweden. See FONOROLA/EMI, Order on Reconsideration, 9 FCC Rcd 4066, 4070 (1994); ACC Global Corp., 9 FCC Rcd 5240 (1994); and Cable & Wireless, Inc. et al. DA 96-17, released January 16, 1996. These semi-annual reports shall be filed with the Commission not later than September 30 for the first six-month calendar period, and March 31 for the second six-month calendar period. This policy does not affect the requirement that dominant international private line resellers are required to file with the Commission quarterly traffic reports.

Further, applicants authorized to provide international communications service shall be prohibited from agreeing to accept special concessions directly or indirectly from any foreign carrier or administration with respect to traffic or revenue flows between the United States and any foreign country and from agreeing to enter into such agreements in the future. A special concession is defined as any arrangement that affects traffic or revenue flows to or from the U.S. that is offered exclusively by a foreign carrier or administration to a particular U.S. international carrier and not also to similarly situated U.S. international carriers authorized to serve a particular route.

All of the applicants listed in this public notice shall file a tariff pursuant to Section 203 of the Communications Act of 1934, as amended, 47 U.S.C. Section 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61, for the services requested in their application. The applicants shall file the annual reports of overseas telecommunications traffic required by Section 43.61. Further, the grant of these applications shall not be construed to include authorization for the transmission of money in connection with the services the applicants have been given authority to provide. The transmission of money is not considered to be a common carrier service.

If any applicant is reselling service obtained pursuant to a contract with another carrier, that contract or a contract summary shall be filed publicly by the underlying carrier in accordance with Section 203 of the Communications Act, 47 U.S.C. § 203, and Competition in the Interstate Interexchange Marketplace, 6 FCC Rcd 5880, 5902 (1991). In addition, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates.

To the extent that any of the above-listed U.S. carriers intend to provide international call-back services through the use of uncompleted call signaling, their authorization to resell international switched voice and/or data services to provide these services is expressly subject to the conditions listed in VIA USA Ltd., et al., 9 FCC Rcd 2288 (1994), affirmed in Order on Reconsideration, 10 FCC Rcd 9540 (1995).

1147

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's Rules in regard to the grant of any of these applications may be filed within 30 days of this public notice (see Section 1.4 (b) (2)).

For additional information concerning this matter, please contact the International Bureau Public Reference Center at (202) 418-1492 or (202) 418-1493.