

**H**

NOTE: An Erratum is attached to the end of this document.

Federal Communications Commission (F.C.C.)

Order, Authorization and Certificate

IN THE MATTER OF FRONTIER COMMUNICATIONS SERVICES, INC.  
File No. **I-T-C-96-285**

Application for authority to provide facilities-based services between the  
United States and the United Kingdom.

DA 96-1220

Adopted: July 29, 1996

Released: July 31, 1996

**\*8794** By the Chief, Telecommunications Division:

1. On May 30, 1996, Frontier Communications Services, Inc. (FCS) filed the above-captioned uncontested application requesting authority, pursuant to Section 214 of the Communications Act of 1934, as amended, to provide facilities-based switched and private line services between the United States and the United Kingdom. The application was placed on public notice on May 31, 1996. No comments were received.

2. FCS certifies that it is affiliated with a foreign carrier pursuant to Section 63.18(h)(1)(i)(A) of the Commission's Rules, 47 C.F.R. § 63.18(h)(1)(i)(A). FCS states that it is the parent of Frontel Communications Ltd. (Frontel), a carrier organized under the laws of the United Kingdom. FCS states that Frontel does not have the ability to discriminate against unaffiliated U.S. international carriers, since it owns no facilities and operates on a resale basis only.

3. Because FCS is affiliated with a foreign carrier under Section 63.18(h)(1)(i)(A) of the Commission's rules, we need not conduct an effective competitive opportunities analysis of the facilities-based services market in the United Kingdom. The Commission stated in the Foreign Carrier Entry Order [FN1] that it would apply this analysis only to applications from foreign carriers, or to U.S. carriers that are affiliated with such carriers within the meaning of Section 63.18(h)(1)(i)(B). [FN2] We also find that Frontel does not possess market power in the **\*8795** United Kingdom and therefore regulate FCS as a non-dominant carrier for the services authorized in this order.

4. In response to Commission staff's request for information about FCS' rela-

(Cite as: 11 FCC Rcd. 8794)

tionship with its affiliated local exchange carriers (LECs), FCS indicates that it complies with the separation requirements that the Commission imposed on independent LECs in their provision of domestic interexchange services. [FN3] Frontier also notes that it will comply with any rules the Commission adopts in the pending rulemakings on the regulatory treatment of independent LECs' provision of interexchange and international services. [FN4] We also reserve the right to modify the conditions of this authorization, as necessary, upon adoption of final rules in these proceedings.

5. Upon consideration of the application and in view of the foregoing, we conclude that grant of FCS' application will increase competition in the United States and the United Kingdom markets and thus benefit U.S. consumers. Therefore, IT IS HEREBY CERTIFIED that the present and future public convenience and necessity require a grant of the application.

6. Accordingly, IT IS ORDERED that application File No. **I-T-C-96-285** IS GRANTED, and FCS is authorized to:

a. acquire on an Indefeasible Right of User basis a one half interest in and operate up to 5 DS3 circuits in each of these cable systems--CANTAT-3, TAT-11, TAT-12 and TAT-13;

b. lease and operate any necessary connecting facilities in the United States; and

c. use said facilities to provide regularly authorized services, including switched voice and data and private line services, between the United States and the United Kingdom.

7. IT IS FURTHER ORDERED that the authority granted herein to provide private line service is limited to the provision of service between the United States and the United Kingdom -- that is, private lines that originate in the United States and that terminate in the United Kingdom or that originate **\*8796** in the United Kingdom and that terminate in the United States. However, the applicant may engage in "switched hubbing" consistent with the rules adopted in the [Foreign Carrier Entry Order, 11 FCC Rcd 3873](#), paras. 169-170. See also [Cable & Wireless, et al., 11 FCC Rcd 1766 \(1996\)](#), para. 36.

8. IT IS FURTHER ORDERED that the applicant shall comply with the requirements specified in Section 63.21 of the Commission's Rules, [47 C.F.R. §63.21](#).

9. IT IS FURTHER ORDERED that the applicant shall file annual circuit 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 \(1995\)](#).

10. IT IS FURTHER ORDERED that the International Bureau reserves the right to modify the conditions of this authorization, as necessary, upon the Commission's adoption of final rules for independent local exchange carriers to provide domest-

ic interstate, interexchange services.

11. 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 the public notice of this order (see Section 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

Diane J. Cornell

Chief

Telecommunications Division

International Bureau

FN1. [Market Entry and Regulation of Foreign-affiliated Entities Report and Order \(Foreign Carrier Entry Order\)](#), 11 FCC Rcd 3873 (1995).

FN2. Id. at paras. 103-106.

FN3. See letter dated July 26, 1996, from Aileen A. Pisciotta, Counsel to Frontier to Donald Gips, Acting Chief, International Bureau, Federal Communications Commission (citing [Competitive Carrier, Fifth Report and Order](#), 98 FCC 2d 1191 (1984)).

FN4. In-Region NPRM, CC Docket No. 96-149, [FCC 96-308 \(released July 18, 1996\)](#) and Interexchange NPRM, CC Docket 96-61, [FCC 96-123, \(released March 25, 1996\)](#).

ERRATUM

Erratum Released: July 31, 1996

By the Chief, Telecommunications Division:

1. On July 29, 1996, the Commission adopted an order authorizing Frontier Communications Services, Inc. to provide facilities-based services between the United States and the United Kingdom. (DA No. 96-1220, released July 31, 1996)

2. There is an error in paragraph 6(a) of that Order. The paragraph should read as follows:

acquire on an Indefeasible Right of User basis and/or ownership basis a one half interest in and operate up to 5 DS3 circuits in each of these cable systems -  
- CANTAT-3, TAT-11, TAT-12 and TAT-13;

1996 WL 426098 (F.C.C.), 11 F.C.C.R. 8794, 11 FCC Rcd. 8794

END OF DOCUMENT