



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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Thursday, February 06, 1997

## OVERSEAS COMMON CARRIER SECTION 214 APPLICATIONS ACTIONS TAKEN

The following applications for international section 214 certification have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's Rules, 47 C.F.R. § 63.12. Unless otherwise noted, these authorizations grant the referenced applicants (1) global or limited global facilities-based authority; and/or (2) global or limited global resale authority. The general terms and conditions of such global authority are set forth in Section 63.18(e)(1) & (2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1) & (2). These authorizations also are subject to all other applicable Commission rules and policies. This Public Notice serves as each referenced carrier's Section 214 authorization. It contains general and specific conditions which are set forth below.

**ITC-96-674 Global Resale Services**

TELE TOWER INC

effective: 1/31/97

Application for authority to provide service in accordance with the provisions of Section 63.18(e)(2) of the rules.

**ITC-96-675 Global Resale Services**

GATEWAY AMERICA INC

effective: 1/31/97

Application for authority to provide service in accordance with the provisions of Section 63.18(e)(2) of the rules.

**ITC-96-676 Global Resale Services**

PROVIDIAN GROUP LLC

effective: 1/31/97

Application for authority to provide service in accordance with the provisions of Section 63.18(e)(2) of the rules.

**ITC-96-677 Global Facilities-based/Global Resale Services**

MCA RESEARCH CORPORATION

effective: 1/31/97

Application for authority to operate as a facilities-based carrier in accordance with the provisions of Section 63.18(e)(1) of the rules and also to provide service in accordance with the provisions of Section 63.18(e)(2) of the rules.

**\* ITC-96-678 Global Facilities-based/Global Resale Services**

FREEDOM RING COMMUNICATIONS LLC

effective: 1/31/97

Application for authority to operate as a facilities-based carrier in accordance with the provisions of Section 63.18(e)(1) of the rules and also to provide service in accordance with the provisions of Section 63.18(e)(2) of the rules. See Appendix A.

**ITC-96-679 Global Facilities-based/Global Resale Services**

INTERNATIONAL COMMON CARRIERS INC

effective: 1/31/97

Application for authority to operate as a facilities-based carrier in accordance with the provisions of Section 63.18(e)(1) of the rules and also to provide service in accordance with the provisions of Section 63.18(e)(2) of the rules.

**ITC-96-680 Global Facilities-based/Global Resale Services**

CARIBBEAN TELECOMMUNICATIONS CONSORTIUM INC

effective: 1/31/97

Application for authority to operate as a facilities-based carrier in accordance with the provisions of Section 63.18(e)(1) of the rules and also to provide service in accordance with the provisions of Section 63.18(e)(2) of the rules.

(7) In addition, carriers authorized to provide switched services via facilities-based or resold international private lines between the United States and Sweden, Canada, New Zealand or the United Kingdom are limited to the provision of such services between the United States and Sweden, Canada, New Zealand or the United Kingdom -- that is, private lines which carry traffic that originates in the United States and terminates in Sweden, Canada, New Zealand or the United Kingdom, or traffic that originates in Sweden, Canada, New Zealand or the United Kingdom and terminates in the United States. This restriction is subject to the following exceptions: (a) the carriers may engage in "switched hubbing" consistent with Section 63.17(b) of the rules, adopted in Market Entry and Regulation of Foreign-affiliated Entities, 11 FCC Rcd 3873 (1995), paras. 169-70, and (b) carriers may provide U.S. inbound or outbound switched basic service via their authorized private lines extending between the United States, Sweden, New Zealand and the United Kingdom.

(8) Authorization to provide switched services via facilities-based or resold international private lines between the United States and Sweden, Canada, New Zealand and/or the United Kingdom is conditioned upon Sweden, Canada, New Zealand and/or the United Kingdom continuing to afford resale opportunities equivalent to those available under U.S. law. In addition, all non-dominant resellers providing switched services over resold international private lines, including traffic routed through an equivalent country via "switched hubbing," 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; December 1998 for Sweden; and December 1999 for New Zealand. See FONOROLA/EMI, Order on Reconsideration, 9 FCC Rcd 4066, 4070 (1994); ACC Global Corp., 9 FCC Rcd 6240 (1994) Cable & Wireless, Inc. et al., 11 FCC Rcd 1766 (1996), and Communications TeleSystems International, DA 96-2183, Released December 31, 1996; See also Foreign Carrier Entry Order at para. 170. 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 reporting period. This policy does not affect the requirement that carriers regulated as dominant pursuant to Sec. 63.10 of the rules are required to file with the Commission quarterly traffic reports.

(9) Further, carriers 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.

(10) 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.

(11) The carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61.

(12) Carriers shall file annual reports of circuit status and/or 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). See 47 C.F.R. §§ 43.82 & 63.15(b). These requirements apply to facilities-based carriers and private line resellers, respectively.

(13) Carriers should consult Sec. 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. 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.

(14) If any carrier 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.

(15) To the extent that any of the above-listed applicants intends to provide international call-back services through the use of uncompleted call signaling, its 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).

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 thirty (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.

## International Section 214 Authorizations

-- Exclusion List as of October 22, 1996 --

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules. 47 C.F.R. 63.18(e)(1). In addition, the facilities listed shall not be used by U.S. carriers authorized under Section 63.01 of the Commission's Rules, unless the carrier's Section 214 authorization specifically lists the facility. Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(6) of the Commission's Rules.

Countries

### **Change of Company Name**

1. International Telecommunications Corporation changed its name to RSL COM U.S.A., Inc. (Letter of January 16, 1997). Re: ITC-92-175, ITC-92-112, ITC-93-332, ITC-92-105, ITC-92-072, SCL-95-012, ITC-95-580, ITC-95-408, SCL-92-005(M), ITC-95-568, SCL-93-004(M), ITC-96-362, and ROA-96-003.
2. ICG Access Services, Inc. change its name to ICG Telecom Group, Inc. (Letter of January 27, 1997, Re: ITC-94-468).

### **Pro Forma Transfer of Control**

1. Cellular Communication of Puerto Rico, Inc. and NewCo., Inc. for Consent to Pro Forma Transfer of Control of CCI PR RSA, Inc. and USVI Cellular Telephone Corporation. ITC-97-021(TC), granted January 21, 1997.
2. Iusatel, S.A. de C.V. requests authority to pro forma transfer of control of § 214 authorization, ITC-96-537, to IUSA Grupo Comunicaciones, S.A. de C.V. ITC-97-034(TC), granted January 23, 1997.

### **Appendix A**

\* The authority granted in File Nos. ITC-96-678, 681 and 682 are subject to the following conditions: Freedom Ring Communications, LLC, North Dakota Long Distance, LLC, and Highland Communications Corporation shall: (1) maintain separate books of account from any affiliated local exchange carrier (LEC); (2) not jointly own transmission or switching facilities with any affiliated LEC; and (3) take any tariffed services from the affiliated LEC pursuant to the terms and conditions of the LEC's generally applicable tariff. These authorizations also are subject to the condition that Freedom Ring Communications, LLC, North Dakota Long Distance, LLC, and Highland Communications Corporation each be treated as a nonregulated affiliate for purposes of local exchange carrier accounting under the Commission's joint cost and affiliate transactions rules as set forth in Parts 32 and 64 of the Commission's rules. The International Bureau reserves the right to modify the conditions of these authorizations, as necessary, upon the Commission's adoption of final rules for the independent LECs' provision of out-of-region and in-region international and domestic interstate, interexchange services.