

**** PUBLIC NOTICE ****

Report# : I-8265 Released On : October 02,1997

"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."

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""
"ITC-97-481 TMEX USA", " INC. effective : 10/1/97"
"Global Resale Services"
"Application for authority to provide service in accordance with the provisions of Section 63.18(e)(2) of the rules."
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"ITC-97-480 RAPID LINK USA", " INC. effective : 10/1/97"
"Global Facilities-based/Global Resale Services"
"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."

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"ITC-97-479 GLOBECOMM SYSTEMS", " INC. effective : 10/1/97"

"Global Facilities-based/Global Resale Services"

"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."

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"ITC-97-478 SHASTA DIGITAL COMMUNICATIONS", " INC. effective : 10/1/97"

"Global Facilities-based/Global Resale Services"

"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."

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"ITC-97-477 USFI NETWORK SERVICES", " INC. effective : 10/1/97"

"Global Facilities-based/Global Resale Services"

"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."

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"ITC-97-476 TELEPASSPORT", " L.L.C. effective : 10/1/97"

"Global Facilities-based/Global Resale Services"

"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."

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"ITC-97-475 ROYAL COMMUNICATIONS CARRIERS", " INC. effective : 10/1/97"

"Global Resale Services"

"Application for authority to provide service in accordance with the

provisions of Section 63.18(e)(2) of the rules."

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"ITC-97-474 FREEDOMSTARR COMMUNICATIONS", " INC. effective : 10/1/97"

"Global Resale Services"

"Application for authority to provide service in accordance with the

provisions of Section 63.18(e)(2) of the rules."

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"ITC-97-473 NTC COMMUNICATIONS", " INC. effective : 10/1/97"

"Global Resale Services"

"Application for authority to provide service in accordance with the

provisions of Section 63.18(e)(2) of the rules."

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"ITC-97-472 WHOLESALE CARRIER SERVICES", " INC. effective : 10/1/97"

"Global Resale Services"

"Application for authority to provide service in accordance with the

provisions of Section 63.18(e)(2) of the rules."

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"Carriers should review carefully the general terms and

conditions of
their authorizations."

" These are set forth in detail below and in Section
63.18(e)(1) & (2) of the rules. Failure to comply with general or
specific
terms and conditions of the referenced authorizations", " or with
other
relevant Commission rules and policies", " could result in fines
and forfeitures.

GENERAL CONDITIONS OF AUTHORIZATION (1) These authorizations are
subject
to the International Bureau's Exclusion List that identifies
restrictions
on providing service to particular countries or using particular
facilities.

The most recent Exclusion List is attached to this Public Notice.
The list applies to all U.S. international carriers", " including
those
that have previously received global or limited global Section
214
authority", " whether by streamlined grant or specific written
order.

Carriers are advised that the attached Exclusion List is subject
to
amendment at any time pursuant to the procedures set forth in
Streamlining
the International Section 214 Authorization Process and Tariff
Requirements", " IB Docket No. 95-118", " FCC 96-79", " released
March 13", " 1996", " para. 18.

A copy of the most current Exclusion List will be maintained in
the
International Bureau's Reference Center and will be available as
a
WordPerfect document at
<http://www.fcc.gov/Bureaus/International/Orders/index.da961205.wp>

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It also will be attached to each Public Notice that grants
international
Section 214 authority. (2) The export of telecommunications
services
and related payments to countries that are subject to economic
sanctions
may be restricted. For information concerning current

restrictions", "call the Office of Foreign Assets Control", " U.S. Department of the Treasury", " (202) 622-2520. (3) In circumstances where the authorized carrier becomes affiliated with a foreign carrier within the meaning of Section 63.18(h)(1)(i)(A) of the rules", " the authorized carrier must notify the Commission of such affiliation within thirty (30) days of the acquisition of the affiliation", " in accordance with Section 63.11(a) of the rules. The carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules. (4) Section 63.11(b) of the rules requires that authorized carriers that know of a planned investment by a foreign carrier of a ten (10) percent or greater interest", " whether direct or indirect", " in the capital stock of the authorized carrier shall notify the Commission within sixty (60) days prior to the acquisition of such interest. Carriers should calculate such ten percent ownership interests in the same manner as affiliations are calculated under the first clause of Section 63.18(h)(1)(i)(B)", " substituting ten percent for the greater than 25 percent ownership interest specified in that clause. That is", " carriers should report: A 10 percent ownership of capital stock, or controlling interest at any level, in the applicant by a foreign carrier, or by any entity that directly or indirectly controls or is controlled by a foreign carrier, or that is under direct or indirect common control with a foreign carrier. (5) Carriers shall file with the Commission a copy of all operating agreements entered

into with their foreign correspondents and all amendments within thirty (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 (1994). In addition", any carrier interconnecting private lines to the U.S public switched network at the carrier's central office shall file all intercarrier agreements for such private line interconnection pursuant to Section 43.51. (6) Carriers authorized to provide private line service either on a facilities or resale basis are limited to the provision of such private line service only between the United States and those foreign points covered by their referenced applications for Section 214 authority. In addition", the carriers may not - - and their tariffs must state that their customers may not - - connect private lines 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 upon a finding by the Commission that the foreign administration affords resale opportunities equivalent to those available under U.S. law. See 47 C.F.R. 63.18(e)(2)(ii)(B) & (e)(3)-(4). This restriction on interconnection is subject to an exception for facilities-based private lines as set forth in 47 C.F.R. 63.18 (e)(4)(ii). See generally Market Entry and Regulation of Foreign-Affiliated Entities", 11 FCC Rcd. 3873 (1995)", paras. 136-138; 157-161. See also 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)", "
Third
Report and Order and Order on Reconsideration", " FCC 96-160", "
released
May 20", " 1996. (7) In addition", " carriers authorized to provide
switched
services via facilities-based or resold international private
lines
between the United States and Sweden", " Canada or the United
Kingdom
are limited to the provision of such services between the United
States
and Sweden", " Canada or the United Kingdom -- that is", " private
lines
which carry traffic that originates in the United States and
terminates
in Sweden", " Canada or the United Kingdom", " or traffic that
originates
in Sweden", " Canada 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
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 and/or the United Kingdom
is
conditioned upon Sweden", " Canada", " 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; and December 1999 for Sweden. See FONOROLA/EMI", " Order
on
Reconsideration", " 9 FCC Rcd 4066", " 4070 (1994); ACC Global
Corp.", " 9
FCC Rcd 6240 (1994); and Cable & Wireless", " Inc. et al", " 11 FCC
Rcd 1766
(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
July
26", " 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 Cuba (applications for service

to this country shall comply with the separate filing requirements

of the Commission's Public Notice Report No. I-6831", " dated July 27", 1993, " FCC to Accept Applications for Service to Cuba.)

Facilities

CANUS-1 Cable System All non-U.S. licensed Cable and Satellite Systems

Except: Foreign Cable Systems Aden-Djibouti APC APCN

APHRODITE

2 ARIANNE 2 ASEAN B-M-P Brunei-Singapore CADMOS

CANTAT-3

CARAC CELTIC China-Japan CIOS Denmark-Russia 1

ECFS

EMOS-1 EURAFRICA Germany-Denmark 1 Germany-Sweden No.

4

Germany-Sweden No. 5 H-J-K HONTAI-2 ITUR KATTEGAT-1

Kuantan-Kota

Kinabalu LATVIA-SWEDEN Malaysia-Thailand Marseille/Palermo Link

MAT-2

ODIN PENCAN-5 R-J-K RIOJA SAT-2 SEA-ME-WE 2 SEA-ME-WE 3 T-V-H

TAGIDE

2 TASMAN 2 UGARIT UK-BEL 6 UK-Denmark 4 UK-Germany 5

UK-Netherlands

12 UK-Netherlands 14 UK-Spain 4 UNISUR This list is subject to

change

by the Commission when the public interest requires. Before amending

the list", " the Commission will first issue a public notice

giving affected

parties the opportunity for comment and hearing on the proposed changes.

The Commission will then release an order amending the exclusion list.

This list also is subject to change upon issuance of an Executive

Order.

See Streamlining the Section 214 Authorization Process and Tariff Requirements", "IB Docket No. 95-118 FCC 96-79", " released March 13", " 1996.

Withdrawal of Section 214

ITC-97-553 Teligent, L.L.C.'s application is hereby dismissed without prejudice, pursuant to Section 1.748 of the Commission's Rules (Letter of September 25, 1997).

For additional information", " contact the International Bureau's Telecommunications Division", " Policy & Facilities Branch", " (202) 418-1460."

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