

Westlaw

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(Cite as: 13 FCC Rcd. 22535)

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Federal Communications Commission (F.C.C.)

Memorandum Opinion, Order and Authorization

IN THE MATTER OF AT&T CORP.

MCI INTERNATIONAL, INC.

PACIFIC GATEWAY EXCHANGE (BERMUDA) LIMITED

SPRINT COMMUNICATIONS COMPANY L.P.

LC COMMUNICATIONS

THE ST. THOMAS AND SAN JUAN TELEPHONE COMPANY, INC.

TELECOMUNICACIONES ULTRAMARINAS DE PUERTO RICO

TELEFONICA LARGE DISTANCIA DE PUERTO RICO, INC.

TRICOM USA, INC.

TELEGLOBE USA, INC.

IMPSAT USA, INC.

GTE COMMUNICATIONS CORPORATION

IDB WORLDCOM SERVICES, INC.

STAR TELECOMMUNICATIONS, INC.

WORLDXCHANGE COMMUNICATIONS

LAMBDA OPERATIONS CORP.

IDT CORPORATION

TELIA NORTH AMERICA, INC.

File Nos. ITC-98-342

ITC-98-342A

Joint application for Authorization Pursuant to Section 214 of the

and operate an international submarine fiber optic cable system in Martinique, Curacao, Trinidad, Venezuela, French Guiana, and Brazil. AMERICAS-II will consist of two or four optical fiber pairs operating at 2.5 Gbps per wavelength. Each fiber pair operating at 2.5 Gbps with one wavelength will have a capacity of 1008 Minimum Investment Units (MIUs). [FN4] The proposed AMERICAS-II system will extend among landing points at cable stations in Hollywood, Florida; St. Croix, USVI; Miramar, Puerto Rico; Le Lamentin, Martinique; Willemstad, Curacao; Chaguaramas, Trinidad; Camuri, Venezuela; Cayenne, French Guiana; and Fortaleza, Brazil and will be connected with the domestic networks in those countries or territories. Shareholder voting interest in AMERICAS-II will be divided among the Joint Applicants. [FN5] The Joint Applicants expect to activate AMERICAS-II by September 15, 1999.

5. The Joint Applicants plan to use AMERICAS-II in providing their already-existing authorized services. Applicants state that other carriers, including non-owners, may acquire capacity in AMERICAS-II by lease, IRU, or other arrangements. The minimum investment unit (MIU) assignments for each segment and subsegment of AMERICAS-II are included in the attachments to this Order.

*22537 6. The Joint Applicants state that the facilities covered by this application will be used to supplement their existing cable and satellite facilities in providing the services that they are presently furnishing or may subsequently furnish. These include satellite circuits between United States earth stations and the INTELSAT Atlantic Ocean Region satellites acquired by the Joint Applicants from the COMSAT Corporation ("COMSAT") pursuant to COMSAT's applicable tariffs and are used in conjunction with connecting circuits between the satellites and foreign earth stations provided by the Joint Applicants' foreign correspondents, or, in some instances, other telecommunications entities. The existing cable facilities used to provide service between the United States and those locations proposed to be served by AMERICAS-II consist of circuits in the AMERICAS-1 cable system. In addition, the Joint Applicants state that not all of them may be certified to directly serve all territories that AMERICAS-II facilities are capable of serving. The Joint Applicants state, however, that individual applicants proposing future extensions into such territories by means of AMERICAS-II facilities will seek the required authorization as necessary.

III. Discussion

7. The Joint Applicants have all certified that they have not agreed and will not agree to accept special concessions from any foreign carrier. [FN6] The Joint Applicants, with the exception of MCI and GTECC, further certify that any affiliated foreign carriers do not have market power or the ability to discriminate against unaffiliated carriers through control of bottleneck services and facilities on any of the routes served by Americas-II. [FN7] To the extent that MCI and GTECC or any of the Joint Applicants provide common carrier service over AMERICAS-II between the United States and a market for which they are regulated as a dominant carrier under Section 63.10 of the Commission's rules, their use of AMERICAS-

63.18(e)(4)(ii) of the Commission's rules, 47 C.F.R. 63.18(e)(4)(ii) (1996).

*22539 12. IT IS FURTHER ORDERED that the Joint Applicants shall make available half-interests in AMERICAS-II capacity to such present and future U.S. carriers as may be authorized by the Commission to acquire such capacity.

13. IT IS FURTHER ORDERED that the Commission retains jurisdiction to reallocate U.S. carriers' interests in capacity herein authorized, as the public interest may require and with any requisite concurrence of the foreign administration or carriers concerned, in order to accommodate additional carriers or for other reasons.

14. IT IS FURTHER ORDERED that the Commission retains jurisdiction over all matters relating to the Joint Applicants' ownership, management, maintenance, and operation of the cable system as authorized herein to ensure the most efficient use not only of this cable system but of all means of communications between the United States and the Caribbean Region.

15. IT IS FURTHER ORDERED that the Joint Applicants shall include AMERICAS-II facility use in all circuit reports that may be required by the Commission's rules.

16. This Order is issued under Section 0.261 of the Commission's rules, 47 C.F.R. § 0.261, and is effective upon release. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of public notice of this order (see 47 C.F.R. § 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

Diane J. Cornell

Chief

Telecommunications Division

International Bureau

FN1. The Joint Applicants are AT&T Corp. (AT&T); MCI International, Inc. (MCI); Pacific Gateway Exchange (Bermuda) Limited (PGE); Sprint Communications Company L.P. (Sprint); LG Communications (LCC); The St. Thomas and San Juan Telephone Company, Inc. (STSJ); Telecommunicaciones Ultramarinas de Puerto Rico (TUPR); Telefonica Larga Distancia de Puerto Rico, Inc. (TLDI); Tricom USA, Inc. (TRICOM); Teleglobe USA Inc. (TELEGLOBE); Impsat USA, Inc. (IMPSAT); GTE Communications Corporation (GTECC); IDB WorldCom Services, Inc. (WORLDCOM); STAR Telecommunications, Inc. (STAR); WorldxChange Communications (WORLDXCHANGE); Lambda Operations Corp. (CENTENNIAL); IDT Corporation (IDT); and Telia North America, Inc. (TELIA).

FN2. In a companion order, we grant the Joint Applicants' application for a cable