

Categories of Services for 214 Applications
(Streamline/Non-streamline)

- ASSIGNMENT OF LICENSE
- GLOBAL FACILITIES-BASED SERVICE
- GLOBAL FACILITIES-BASED/GLOBAL RESALE SERVICE
- GLOBAL RESALE SERVICE
- INDIVIDUAL FACILITIES-BASED SERVICE
- INTERCONNECTED PRIVATE LINE RESALE SERVICE
- LIMITED GLOBAL FACILITIES-BASED SERVICE/LIMITED GLOBAL RESALE SERVICE
- LIMITED GLOBAL FACILITIES-BASED SERVICE
- LIMITED GLOBAL RESALE SERVICE
- INMARSAT AND MOBILE SATELLITE SERVICE
- SWITCHED RESALE SERVICE
- TRANSFER OF CONTROL
- SUBMARINE CABLE LANDING LICENSE
- INTERNATIONAL SPECIAL PROJECT

Description of Application: _____

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March 1, 1999

BY HAND DELIVERY

FCG/HELLMAN

MAR 01 1999

Magalie Roman Salas, Secretary
Federal Communications Commission
International Bureau - Telecommunications
P.O. Box 358115
Pittsburgh, PA 15251-5115

Re: American Samoa Telecommunications Authority,
Interexchange Carrier Division, Application Under Section
214 of the Communications Act of 1934, As Amended, for
Global Authority to Offer Facilities-Based and Resale
Service to All Eligible International Points

Dear Ms. Salas:

On behalf of American Samoa Telecommunications Authority
Interexchange Carrier Division ("ASTCA IXC"), I am enclosing for filing an original
and five copies of an application pursuant to Section 214 of the Communications Act of
1934, as amended, and Sections 63.18(e)(1)-(2) of the Commission's Rules, 47 C.F.R.
§§ 63.18(e)(1)-(2), for global authority to offer facilities-based and resale service to all
eligible international points. This request for authorization is subject to the
Commission's streamlined processing rules.

ASTCA IXC is a "governmental entity" and eligible for the fee exemption
set forth in Section 1.1114(f) of the FCC rules. See 47 C.F.R. §§ 1.1114(f), 1.1114 Note.
The enclosed application includes a certification by an officer of the applicant that
ASTCA is a semi-autonomous agency of the American Samoa Government.

If you have any questions about this application, please contact me.

Respectfully submitted,



David L. Sieradzki
Counsel for ASTCA IXC

Enclosures

BRUSSELS BUDAPEST LONDON MOSCOW PARIS* PRAGUE WARSAW
BALTIMORE, MD BETHESDA, MD COLORADO SPRINGS, CO DENVER, CO LOS ANGELES, CA McLEAN, VA

*Affiliate Office

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In the Matter of)
)
) American Samoa Telecommunications Authority) File No. _____
) Interechange Carrier Division)
)
) Application for Authority Under)
) Section 214 of the Communications)
) Act of 1934, As Amended, to Offer)
) Facilities-Based and Resale Service to All Eligible)
) International Points)
)

To: Chief, International Bureau

APPLICATION

Applicant American Samoa Telecommunications Authority
Interechange Carrier Division ("ASTCA IXC" or "Applicant") hereby requests
authority, pursuant to Section 214 of the Communications Act of 1934, as amended,
47 U.S.C. § 214, and Sections 63.18(e)(1) and 63.18(e)(2) of the Commission's Rules,
47 C.F.R. §§ 63.18(e)(1), (e)(2), to operate as a facilities-based and resale carrier of
international services to all eligible international points. ASTCA IXC is a new
applicant for authority to provide international services and has no foreign carrier
affiliations. ASTCA IXC's primary business is the provision of telecommunications
services.

I. BACKGROUND

Until 1998, the local and long distance telephone network in American Samoa 1/ was operated by the American Samoa Government ("ASG") through the American Samoa Office of Communications ("ASOC"). The ASG inherited this network from the U.S. Navy and the U.S. Department of the Interior, which formerly administered the territory. On January 9, 1998, the Governor of American Samoa issued an executive order transferring the telecommunications operations formerly run by ASOC to the newly-created American Samoa Telecommunications Authority ("ASTCA"), a semi-autonomous agency of the ASG with an independent board of directors. 2/ Subsequently, ASTCA reorganized its operations to establish separate local exchange carrier and interexchange carrier divisions.

ASTCA IXC provides outbound interstate and international service, and provides part of the interexchange communications link for inbound interstate and international calls. While ASTCA IXC provides a large proportion of the international traffic into and out of American Samoa, it is not the only IXC in the

1/ American Samoa, an unincorporated territory of the United States, is located 14 degrees south of the equator, about 2,300 miles southwest of Hawaii, and more than 4,100 miles southwest of San Francisco. The territory lies approximately 1,600 miles northeast of New Zealand, and approximately 40 miles east of the independent country of Samoa (formerly known as Western Samoa), with which American Samoa has close cultural, economic, and family ties. Persons born in American Samoa are nationals but not citizens of the United States. As of July 1, 1996, the population of American Samoa was 58,000.

2/ Copies of the Executive Orders establishing ASTCA are attached to this application.

territory authorized to provide international service. ^{3/} ASTCA IXC files this application to regularize its operations under the Commission's authority.

Applicant also requests that the Commission streamline the processing of this application pursuant to Section 63.12. Grant of this application will serve the public interest, convenience and necessity by promoting competition in the international services market.

II. SECTION 63.18 INFORMATION

Pursuant to Section 63.18 of the Commission's Rules, Applicant sets forth the following information in support of its request for authorization.

(a) The name, address and telephone number of Applicant are:

American Samoa Telecommunications Authority
Interexchange Carrier Division
Pago Pago, American Samoa 96799
Tel: 011/684-633-1121

(b) Applicant is a semi-autonomous agency of the American Samoa Government.

^{3/} See Public Notice, Public Notice, Overseas Common Carrier Section 214 Applications Actions Taken, Report No. TEL-00031, DA 98-315 (rel. Nov. 12, 1998) (granting American Samoa License, Inc. global resale authority in File No. TTC-214-19980918-00671 global resale authority).

(c) Correspondence concerning this application should be addressed to:

Aleki Sene
Executive Director
American Samoa Telecommunications Authority
Interexchange Carrier Division
Pago Pago, American Samoa 96799
Tel: 011/684-633-1121
Fax: 011/684-633-9032

with a copy to:

David L. Sieradzki
Hogan & Hartson L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109
Tel: (202) 637-5600
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(d) Applicant has not previously received authority under Section 214 of the Communications Act.

(e) (1) Applicant is requesting Section 214 authority to operate as a facilities-based carrier pursuant to the terms and conditions of § 63.18(e)(1).

(2) Applicant is requesting Section 214 authority to operate as a resale carrier pursuant to the terms and conditions of § 63.18(e)(2).

(3) Not applicable.

(4) No response required.

(5) Not applicable.

(6) Not applicable.

(f) No response required.

(g) Not applicable because Applicant does not seek facilities-based authority under § 63.18(e)(6).

- (h) (1) Applicant hereby certifies that it is not, nor does it have, an affiliation with a foreign carrier.
- (2) Applicant is a semi-autonomous agency of the American Samoa Government.
- (3) Applicant hereby certifies that it does not have an affiliation with any US carrier whose facilities-based service Applicant proposes to resell (either directly or indirectly through the resale of another reseller's service).
- (4) No response required.
- (5) Not applicable.
- (6) Not applicable.
- (7) Not applicable.
- (8) Not applicable.
- (i) Applicant hereby certifies that it has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses sufficient market power on the foreign end of the route to affect competition adversely in the U.S. market and will not enter into such agreements in the future.
- (j) Applicant hereby certifies that no party to this application, as defined in 47 C.F.R. § 1.2002(b), is subject to denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853(a).
- (k) The Application qualifies for streamlined processing pursuant to Section 63.12 because Applicant has no foreign carrier affiliations.

III. CONCLUSION

Accordingly, Applicant respectfully requests that the Commission grant this application.

Respectfully submitted

AMERICAN SAMOA
TELECOMMUNICATIONS
AUTHORITY INTEREXCHANGE
CARRIER DIVISION

By: _____



Aleki Sene
Executive Director
American Samoa Telecommunications
Authority
Interexchange Carrier Division
Office of Communications
Pago Pago, American Samoa 96799
01/684-633-1121

Richard S. Rodin
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555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-5600

Its Attorneys

Dated: February 28, 1999

ATTACHMENT

**Executive Orders Establishing
American Samoa Telecommunications Authority**



OFFICE OF THE GOVERNOR
American Samoa Government
Pago Pago, American Samoa 96799

TALIBBE P.F. SUNIA,
Governor
TOSOLA T.A. TULAFONO
Lt. Governor

Telephone: (684) 621-
Fax: (684) 621-

EXECUTIVE ORDER No. 02 -1998

**AN ORDER ESTABLISHING THE AMERICAN SAMOA
TELECOMMUNICATIONS AUTHORITY'**

Section 1: Authority:

This Executive Order is issued under the authority granted to the Governor in Article IV, Section 6, American Samoa Revised Constitution, Title 4 A.S.C.A. Section 4-0111(b) and applicable sections of the Federal Communications Act of 1934, as amended, and the Telecommunications Act of 1996.

Section 2: Preamble and Purpose

WHEREAS, the local communications network in American Samoa, with connections to other United States and international points, was originally constructed by the U.S. Navy and the U.S. Department of the Interior; and

WHEREAS, the network was inherited, improved and expanded by the American Samoa Government which operates the Office of Communications under the direction of the Director of Communications, who is appointed by the Governor; and

WHEREAS, the Office of Communications is mandated to comply with certain provisions of the 1934 Communications Act and the 1996 Telecommunications Act; and

WHEREAS, the American Samoa Government has filed with the Federal Communications Commission (FCC), on October 1, 1997, its Plan to regularize the Office of Communications status under FCC Regulations; and

WHEREAS, the American Samoa Government is committed to comply with all applicable federal regulations pertaining to the operation of the government's communications system by the Office of Communications.

NOW, THEREFORE, the creation of the American Samoa Telecommunications Authority is hereby authorized, with the duties and responsibilities as set forth herein.

Section 3: Establishment of the American Samoa Telecommunications Authority

There is hereby established, within the Executive Branch of the American Samoa Government (ASG), the American Samoa Telecommunications Authority (ASTA), formerly known as the Office of Communications. ASTA shall exist as a semi-autonomous agency of ASG and will be governed by a board, which shall be known as the ASTA Board, consisting of three (3) members who are appointed by the Governor for terms of two (2) years.

Section 4: Composition and Qualifications of ASTA Board

Of the three gubernatorial appointees, one member shall be from the American Samoa Government Employees' Retirement Fund Board; a second member shall be an ASG career employee selected on the basis of character, competence, education, experience, and judgement; and the third member shall be from the private sector, selected on the basis of character, competence, education, accounting and finance experience and judgement.

Section 5: ASTA Board Duties and Responsibilities

The ASTA Board shall have the following duties and responsibilities:

- (1) elect its own chairman annually.
- (2) hire an Executive Director who shall be directly responsible to the Board for the proper and efficient management of ASTA.
- (3) establish and promulgate rules and regulations, not inconsistent with local and federal laws, for users of telecommunications services in American Samoa.
- (4) review and approve the Annual Operating and Construction Budgets of ASTA in accordance with the ASG's regular budget process.
- (5) review and approve ASTA's long-range plan to insure compliance with the Rate Integration Plan filed with the FCC on October 1, 1997 and regularize ASTA's operations in accordance with FCC Regulations.
- (6) review and approve rates before submitting said rates to any appropriate regulatory body as required for final approval.
- (7) review and approve procurement actions.
- (8) review and approve personnel actions.

(9) review and approve accounting and financial management policies and procedures to insure compliance with FCC accounting and auditing requirements.

(10) review, approve and submit Quarterly Performance and Financial Reports to the Governor no later than 30 days after the end of the Quarter.

(11) review, approve and submit an Annual Financial Report to the Governor no later than 90 days after the end of the fiscal year.

(12) shall hold regular meetings at least once every month and shall hold special meetings when necessary. It shall record and keep minutes of all such meetings and make said minutes available for public inspection.

(13) review and approve all other matters properly within the ASTA's authority which are included on the agenda of the ASTA Board.

Section 6: ASTA Board Compensation

ASTA Board members shall be compensated at the rate of \$500.00 per month. No other special compensation shall be authorized.

Section 7: Duties and Responsibilities of Executive Director

The Executive Director shall be the Chief Executive Officer of ASTA, shall report directly to the ASTA Board and shall perform the following duties:

(1) develop policies/programs for the administration, management and operation of ASTA and submit to the ASTA Board for approval.

(2) develop and submit to the ASTA Board the Annual Operating and Construction Budget for approval.

(3) prepare and submit to the ASTA Board Monthly Operating Statements, Quarterly Performance and Financial Reports, and Annual Financial Reports.

(4) hire qualified and experienced management personnel subject to ASTA Board approval and in accordance with government employee laws ASCA Title 7, ASAC Title 4 and the provisions of this Executive Order.

(5) prepare, approve and conduct procurement of supplies, equipment, materials, and personal services, other than employees, in accordance with all applicable laws and rules of American Samoa and the provisions of this Executive Order.

(6) prepare, approve and issue ASTA's bi-weekly payroll checks in accordance with ASTA Board policies and in compliance with local and federal labor laws.

(7) prepare and submit to the ASTA Board monthly summary reports of cash receipts, receivables, payables, and all pertinent financial data necessary for the proper monitoring of ASTA finances.

(8) prepare the agenda for ASTA Board meetings.

Section 8: Transfer of Assets

At a date fixed by the ASTA Board and approved by the Governor, all tangible assets formerly listed under the Office of Communications shall be transferred to ASTA with the right to operate all items of property, including construction in progress.

Section 9: Transfer of Liabilities

At a date fixed by the ASTA Board and approved by the Governor, all outstanding liabilities incurred by the former Office of Communications, including all contracts and statutory obligations, shall be transferred to ASTA.

Section 10: Transfer of Leases, Contracts and Agreements

All leases, contracts, and agreements which were entered into by the former Office of Communications and are current, valid and in effect, shall be transferred to ASTA.

Section 11: Personnel

(1) At a date fixed by the ASTA Board and approved by the Governor, all personnel presently assigned to the Office of Communications shall be transferred to ASTA without any change in salary or in-service date for computation of retirement eligibility credit under the Government Employees' Retirement Fund.

(2) All officers and employees of the authority, other than the Executive Director, are appointed and compensated in accordance with requirements of the government employee laws, ASCA Title 7 and ASAC Title 4, except that the ASTA Board, in conjunction with the Department of Human Resources, may adopt administrative rules, pursuant to 4.1001 ASCA et seq, to supplant government employee rules in the specific categories of personnel recruitment, employment, termination of employee services, disciplinary actions and compensation at levels comparable to prevailing communications levels.

Section 12: Accounting and Budget

ASTA shall assume responsibility for the accounting and financial management of the telecommunications authority and shall perform all related accounting functions, including, but not limited to general ledger, fixed assets, accounts receivable, accounts payable, payroll and cash. ASTA shall apply and adhere to Generally Accepted Accounting Principles (GAAP).

Section 13: Independent Audit

ASTA shall employ a firm of independent certified public accountants with telecommunications experience to examine and report on the condition of financial records and accounts no less than once a year. The report shall be submitted to the Governor by the ASTA Board.

Section 14: Procurement

ASTA may contract for the procurement of supplies, equipment, materials, personal services other than by employees, and construction with any public or private entity upon terms and conditions as it finds necessary to the full and convenient exercise of its purposes and powers, subject to all applicable procurement laws and rules of American Samoa. The authority shall receive and account for its inventory of materials, supplies and equipment.

Section 15: Transition Period

All fees, rates, charges, and contracts in effect during the transfer of property and facilities, and management thereof, to ASTA's control and jurisdiction are considered properly adopted and continue in effect until duly changed or modified.

Section 16: Effective Date

This order is effective immediately and supersedes General Memorandum No. 16-1972.

Dated: Paul O. Ke, 1998.



TAUESE P.F. SUNIA
Governor

cc: Per Standard List



OFFICE OF THE GOVERNOR
American Samoa Government
Pago Pago, American Samoa 96799

TAUPESE P. F. BUNIA
Governor
DELOA T. A. TULAFONO
Lt. Governor

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EXECUTIVE ORDER No. 03-1998

**AN ORDER AMENDING EXECUTIVE ORDER No. 02-1998, WHICH
ESTABLISHED THE AMERICAN SAMOA TELECOMMUNICATIONS
AUTHORITY**

Section 1: Authority

This Executive Order is issued under the authority granted to the Governor in Article IV, Section 6, American Samoa Revised Constitution, Title 4 A.S.C.A. Section 4.0111(b) and applicable sections of the Federal Communications Act of 1934, as amended, and the Telecommunications Act of 1996.

Section 2: Purpose

The purpose of this Executive Order is to amend Executive Order 02-1998, which established the American Samoa Telecommunications Authority. Sections 3 and 4 of Executive Order No. 02-1998 are hereby amended to provide for a five (5) member American Samoa Telecommunications (ASTA) Board.

Section 3: Amendment of Executive Order 02-1998

(1) Section 3 of Executive Order 02-1998 is hereby amended to read as follows:

Establishment of the American Samoa Telecommunications Authority.

There is hereby established, within the Executive Branch of the American Samoa Government (ASG), the American Samoa Telecommunications Authority (ASTA), formerly known as the Office of Communications. ASTA shall exist as a semi-autonomous agency of ASG and will be governed by a board, which shall be known as the ASTA Board, consisting of five (5) members who are appointed by the Governor for terms of two (2) years.

(2) Section 4 of Executive Order No. 02-1998 is hereby amended to read as follows:

Composition and Qualifications of ASTA Board

Of the five gubernatorial appointees, one member shall be from the American Samoa Government Employees' Retirement Fund Board; two members shall be ASC career employees selected on the basis of character, competence, education, experience, and judgement; and two members shall be from the private sector, selected on the basis of character, competence, education, accounting and finance experience and judgement.

Section 4: Effect

With the exception of the amendments set forth herein, all other provisions contained in Executive Order 02-1998 remain in full force and effect.

Section 5: Effective Date

This order is effective immediately.

Dated: 14N-18th, 1998.



TAUESE P.F. SUI
Governor

cc: Per Standard List



OFFICE OF THE GOVERNOR
American Samoa Government
Pago Pago, American Samoa 96799

TAUESE P.F. SUNIA,
Governor
TONGA T.A. TULAFONO,
Lt. Governor

TELEPHONE (684) 634-1111
FAX (684) 633-2565

January 16, 1998

GENERAL MEMORANDUM NO. 04 -1998

To: Distribution List

From: Governor of American Samoa

Subject: Appointment of Interim Chief Executive Officer for American Samoa
Telecommunications Authority

Pursuant to Executive Order 02-1998 and Executive Order 03-1998, Aleki Sene is hereby appointed as interim Chief Executive Officer of the American Samoa Telecommunications Authority (ASTA), effective immediately, to serve until the ASTA Board is formed and selects a permanent Chief Executive Officer.

During this interim period, Aleki Sene shall have and perform the duties and responsibilities of the Executive Director as set forth in Executive Order No. 02-1998, including, but not limited to, those delineated in Section 7 of said Order.

Please extend your cooperation and assistance to Mr. Sene during his service as interim Chief Executive Officer of ASTA.

TAUESE P.F. SUNIA

DISTRIBUTION:

As per standard list

ATTACHMENT

**Executive Order Designating American Samoa
Office of Communications
as an "Eligible Telecommunications Carrier"**



OFFICE OF THE GOVERNOR
American Samoa Government
Pago Pago, American Samoa 96799

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TAUESE P.F. SUNIA,
Governor

TOGIALA T.A. TULAFONO,
Lt. Governor

EXECUTIVE ORDER NO. 13 1997

**DESIGNATION OF
ELIGIBLE TELECOMMUNICATIONS CARRIER**

Section 1: Authority

This Executive Order is issued under the authority granted in Article IV, Section 6 of the American Samoa Revised Constitution, Title 4, Chapter 01, Section 0111(b) of the American Samoa Code, and sections 3, 214, and 254 of the Federal Communications Act of 1934, as amended (the "Communications Act").

Section 2: Purpose

Sections 3 and 214 of the Communications Act authorize the commission or official with regulatory jurisdiction over communications carriers in each State and Territory to designate certain common carriers as "eligible telecommunications carriers" for purposes of receiving federal universal service support. 47 U.S.C. §§153 (40) (41), 214 (e) (2). In the absence of a telecommunications regulatory commission, the Governor is the official of the American Samoa Government with regulatory jurisdiction over telecommunications carriers.

Section 3: Findings

I find that the American Samoa Office of Communications ("ASOC") meets the qualifications for an "eligible telecommunications carrier" as defined in section 214 of the Communications Act. 47 U.S.C. §214 (e) (1). In particular, I find that:

- (a) ASOC is a "common carrier" as defined in section 3 of the Communications act. 47 U.S.C. §153 (10);

- (b) ASOC offers the services that are supported by federal universal support mechanisms in accordance with section 214 of the Communications Act (47 U.S.C. §214 (3) (1) (A) and as specified in section 54.101 of the pertinent regulations of the Federal Communications Commission (47 C.F.R. §54.101);
- (c) ASOC advertises the availability of such services and the charges therefore using media of general distribution in accordance with section 214 of the Communications Act. 47 U.S.C. §214 (d) (1) (B); and
- (d) Designation of ASOC as an "eligible telecommunications carrier" for the receipt of federal universal service support will serve the public interest.

Section 4: Designation

The American Samoa Office of Communications is hereby designated as an "eligible telecommunications carrier" under section 214 of the Communications Act for the receipt of federal universal service support.

Section 5: Effective Date

This Executive Order shall be effective immediately upon signing.

Dated: 12-1-97


TAUSE P.F. SUNIA
Governor of American Samoa

Distribution:

As per standard list

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