



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

News Media Information: (202) 418-0500
Fax-On-Demand: (202) 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA 02-3598

FCC File No. ITC-214-20021009-00495

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**International Bureau Policy Division Grants
Qwest Communications International Section 214 Authority for Colorado,
Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and
Wyoming, and Conditional Authority for Arizona, Minnesota, New Mexico,
Oregon and South Dakota**

Pursuant to section 214 of the Communications Act of 1934, as amended (the "Act") (47 U.S.C. § 214) and section 63.18 of the Commission's rules (47 C.F.R. § 63.18), the International Bureau, Policy Division, grants the application filed by Qwest LD Corp. (Qwest LD or Applicant), a subsidiary of Qwest Communications International, Inc. (Qwest Communications) for authority to provide international services originating in Colorado, Idaho, Iowa, Nebraska, North Dakota, Montana, Utah, Washington and Wyoming, and conditional authority to provide international services originating in Arizona, Minnesota, New Mexico, Oregon and South Dakota. Specifically, Applicant requests authority to provide global international facilities-based and resale service between the United States and all permissible foreign points, including traffic that originates in Colorado, Idaho, Iowa, Nebraska, North Dakota, Montana, Utah, Washington, Wyoming, Arizona, Minnesota, New Mexico, Oregon and South Dakota. Applicant requests grant of this application at such time as Qwest Communications receives authority to provide in-region, interLATA service in Colorado, Idaho, Iowa, Nebraska, North Dakota, Montana, Utah, Washington and Wyoming pursuant to section 271 of the Communications Act of 1934, as amended, 47 U.S.C. § 271. Applicant acknowledges that grant of its request for authority to provide international services originating in Arizona, Minnesota, New Mexico, Oregon and South Dakota would be conditioned such that it would be effective only at such time as Qwest Communications receives section 271 authority for those states (*see 2000 Biennial Regulatory Review, Amendment of Parts 43 and 63 of the Commission's Rules, Report and Order, IB Docket No. 00-231, FCC 02-154, 17 FCC Rcd 11416 (2002) ("Biennial Review Order")*).

As described above, the international section 214 application includes traffic originating in

Colorado, Idaho, Iowa, Nebraska, North Dakota, Montana, Utah, Washington, Wyoming, Arizona, Minnesota, New Mexico, Oregon and South Dakota, which are “in-region” states of Qwest Communications and its subsidiary, Qwest LD. The international application is a companion to the joint application of Qwest Communications for authorization to provide in-region, interLATA service in the states of Colorado, Idaho, Iowa, Nebraska, North Dakota, Montana, Utah, Washington and Wyoming pursuant to section 271 of the Act. No comments were filed on the international section 214 application, which was put on public notice on October 25, 2002 (*see Non-Streamlined International Applications Accepted for Filing*, FCC File No. ITC-214-20021009-00495, Public Notice, DA 02-2846 (rel. October 25, 2002)).

On December 23, 2002, the Commission approved Qwest Communications’ section 271 application (*see Application By Qwest Communications International, Inc. for Authorization to Provide In-Region, InterLATA Services in Colorado, Idaho, Iowa, Nebraska, North Dakota, Montana, Utah, Washington and Wyoming*, WC Docket No. 02-314, Memorandum Opinion and Order, FCC 02-332, rel. December 23, 2002). Because Qwest Communications has received section 271 authority to provide in-region, interLATA service in the states of Colorado, Idaho, Iowa, Nebraska, North Dakota, Montana, Utah, Washington and Wyoming, we grant Qwest LD authority to provide international facilities-based and resale service originating in all “out-of-region” states and in the states of Colorado, Idaho, Iowa, Nebraska, North Dakota, Montana, Utah, Washington and Wyoming. *See* 47 C.F.R. § 63.18(e)(1)-(3). We also grant Applicant authority to provide the same international services originating in the states of Arizona, Minnesota, New Mexico, Oregon and South Dakota subject to the condition that such authority shall be effective for each of these in-region states only at such time as Qwest Communications receives section 271 authority to provide in-region, inter LATA service in that state (*see Biennial Review Order, supra*, para. 45). The Bureau finds that grant of the international section 214 applications will serve the public interest by increasing competition in international services, expanding the range of new and innovative services and allowing for more efficient use of existing international telecommunications facilities.

We grant Applicant’s request for non-dominant classification on all routes where Applicant has affiliations with foreign carriers. Applicant has demonstrated that these foreign carriers lack sufficient market power on the foreign end of the routes to affect competition adversely in the U.S. market. In sum, Qwest LD will be classified as a non-dominant international carrier in its provision of U.S. international services on all routes. Grant of this international section 214 application will become effective upon the effective date of the Commission Order granting authorization to Qwest Communications to provide in-region, interLATA service in the states of Colorado, Idaho, Iowa, Nebraska, North Dakota, Montana, Utah, Washington and Wyoming.