



PUBLIC NOTICE

FEDERAL COMMUNICATIONS
COMMISSION
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DA No. 01-1076

Report No. TEL-00386

Thursday April 26, 2001

INTERNATIONAL AUTHORIZATIONS GRANTED

Section 214 Applications (47 C.F.R. § 63.18); Cable Landing License Applications (47 C.F.R. § 1.767); Requests to Authorize Switched Services over Private Lines (47 C.F.R. § 63.16); Section 310(b)(4) Requests

The following applications 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, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the 25 percent foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b)(4). Grants under Section 63.16 and certain grants under Section 63.18 also authorize carriers generally to use their authorized private lines to provide switched services (ISR) between the United States and particular international points pursuant to 47 C.F.R. § 63.16. See also 47 C.F.R. §§ 63.22(e), 63.23(d).

This public notice serves as each newly authorized carrier's Section 214 certificate. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. These are set forth in detail below and in Sections 63.21, 63.22, and 63.23 of the Commission's rules, 47 C.F.R. §§ 63.21-.23. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

The Commission most recently amended its rules applicable to international telecommunications common carriers in IB Docket No. 98-118, Review of International Common Carrier Regulations, FCC 99-51, released March 23, 1999, 64 Fed. Reg. 19,057 (Apr. 19, 1999) and in IB Docket Nos. 98-148, 95-22, CC Docket No. 90-337 (Phase II), 1998 Biennial Regulatory Review - Reform of the International Settlements Policy and Associated Filing Requirements, FCC 99-73, released May 6, 1999, 64 Fed. Reg. 34, 734 (June 29, 1999). An updated version of Sections 63.09-.24 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/td/pf/telecomrules.html>.

ISP-PDR-20010119-00002

AMERICASKY CORPORATION

Petition for Declaratory Ruling

Other Companies:

STET INTERNATIONAL NETHERLANDS N.V.

Grant of Authority

Date of Action: 04/25/2001

The Chief, Telecommunications Division (Division), finds that it is in the public interest to permit AmericaSky Corporation to be owned indirectly by STET International Netherlands N.V., Telecom Italia S.p.A. and Telecom Italia's Italian shareholders, including Olivetti S.p.A., in an amount up to and including a controlling interest of 54.76%. The Division also finds that it is in the public interest to permit a variety of Chilean investors individually to have indirect interests of up to 25 percent, but in the aggregate reaching 45.24%. AmericaSky shall not accept indirect foreign ownership that, in the aggregate, exceeds 25% from individuals or entities that have their principal place of business in a non-WTO Member. Further, AmericaSky shall seek additional approval before it accepts indirect foreign ownership, other than that specifically approved here, from STET, Telecom Italia or Olivetti; and before it accepts indirect foreign ownership in an amount exceeding 25% from any other single individual or entity having its principal place of business in a WTO Member. This ruling is without prejudice to Commission action on the application to transfer control of AmericaSky's earth station licenses to STET.

ISP-PDR-20010323-00011

CONCERT GLOBAL NETWORK SERVICES LIMITED

Petition for Declaratory Ruling

Grant of Authority

Date of Action: 04/25/2001

Application for authority to provide service in accordance with the provisions of Section 63.16(d) of the rules to provide switched services via international private lines interconnected with the public switched network at one or both ends (ISR) between the United States and Saint Lucia.

ISP-PDR-20010323-00012

CONCERT GLOBAL NETWORK SERVICES LIMITED

Petition for Declaratory Ruling

Grant of Authority

Date of Action: 04/25/2001

Application for authority to provide service in accordance with the provisions of Section 63.16(d) of the rules to provide switched services via international private lines interconnected with the public switched network at one or both ends (ISR) between the United States and Saint Kitts & Nevis.

ISP-PDR-20010323-00013

CONCERT GLOBAL NETWORK SERVICES LIMITED

Petition for Declaratory Ruling

Grant of Authority

Date of Action: 04/25/2001

Application for authority to provide service in accordance with the provisions of Section 63.16(d) of the rules to provide switched services via international private lines interconnected with the public switched network at one or both ends (ISR) between the United States and Saint Vincent.

ISP-PDR-20010323-00014

CONCERT GLOBAL NETWORK SERVICES LIMITED

Petition for Declaratory Ruling

Grant of Authority

Date of Action: 04/25/2001

Application for authority to provide service in accordance with the provisions of Section 63.16(d) of the rules to provide switched services via international private lines interconnected with the public switched network at one or both ends (ISR) between the United States and Antigua.

ITC-214-20010309-00134

UNIPLEX TELECOM TECHNOLOGIES, INC.

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority

Date of Action: 04/25/2001

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-214-20010316-00138

CINERGY TELECOMMUNICATIONS, INC.

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority

Date of Action: 04/25/2001

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-214-20010319-00151

PACIFIC INTERNATIONAL EXCHANGE, LLC

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority

Date of Action: 04/25/2001

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-214-20010321-00171

TELECOMMEZ CORPORATION

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based AND Resale Service

Grant of Authority

Date of Action: 04/25/2001

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-214-20010322-00172

BACOM INTERNATIONAL, LLC

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based AND Resale Service

Grant of Authority

Date of Action: 04/25/2001

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-214-20010329-00169

HIBRIDOS TELECOMMUNICATIONS, INC.

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based AND Resale Service

Grant of Authority

Date of Action: 04/25/2001

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-214-20010329-00173

CAROLINA PCS I LIMITED PARTNERSHIP

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based AND Resale Service

Other Companies:

CAROLINA PHONE - ANDERSEN LLC, d/b/a CAROLINA PHONE; CAROLINA PHONE - CHARLESTON LLC, d/b/a CAROLINA PHONE; CAROLINA PHONE - COLUMBIA, LLC d/b/a CAROLINA PHONE; CAROLINA PHONE - FLORENCE LLC, d/b/a CAROLINA PHONE; CAROLINA PHONE - GREENVILLE LLC, d/b/a CAROLINA PHONE; CAROLINA PHONE - GREENWOOD LLC, d/b/a CAROLINA PHONE; CAROLINA PHONE - MYRTLE BEACH LLC, d/b/a CAROLINA PHONE; CAROLINA PHONE - ORANGEBURG LLC, d/b/a CAROLINA PHONE; CAROLINA, PHONE - SUMTER LLC, d/b/a CAROLINA PHONE; NORTH CAROLINA PHONE, LLC, d/b/a CAROLINA PHONE

Grant of Authority

Date of Action: 04/25/2001

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-T/C-20010328-00174

USASIA TELECOM, LLC

Transfer of Control

Grant of Authority

Date of Action: 04/25/2001

Current Licensee: USASIA TELECOM, LLC

FROM: USASIA TELECOM, LLC

TO: HAT K.K. CORPORATION

Application for Consent to Transfer Control of USAsia Telecom, LLC (USAT) from the current shareholders of USAT to HAT K.K. Corporation (HAT). HAT is a wholly-owned subsidiary of Mitsubishi Corporation, a Japanese Company. Under the proposed transaction, HAT will acquire an 80% interest in USAT; Telvia, Inc., which currently holds a 34.3% interest on USAT, will retain a 20% interest in the company. Telvia is wholly-owned by Stuart Browne, a U.S. Citizen. Grant of this application is without prejudice to Commission action on the related application to transfer control of earth station licenses to HAT.

INFORMATIVE

ITC-214-19961122-00595

GLOBALNET INTERNATIONAL, INC.

Pursuant to Section 63.24 of the Commission's Rules, GlobalNet International, Inc., hereby notifies the Commission of a pro forma assignment of license from DTA Communications, LLC to GlobalNet International, Inc., by letter dated March 30, 2001. Previous File No. ITC-96-656

ITC-214-19990824-00550

GLOBALNET INTERNATIONAL, INC.

Pursuant to Section 63.24 of the Commission's Rules, GlobalNet International, Inc., hereby notifies the Commission of a pro forma assignment of license from GlobalNet, LLC to GlobalNet International, Inc., by letter dated March 30, 2001.

ITC-T/C-20000413-00223

FLORIDA DIGITAL NETWORK, INC.

Pursuant to Section 63.18(e)(3) of the Commission's Rules, Florida Digital Network, Inc., hereby notifies the Commission that the parties have decided not to consummate the above-referenced transfer of control, by letter dated April 18, 2001.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which 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, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://www.fcc.gov/ib/td/pf/exclusionlist.html>. 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) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign 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. The Commission recently amended Section 63.11 of the rules in its Order on Reconsideration in IB Docket No. 97-142, 15 FCC Rcd 18158 (2000).

(4) Carriers shall comply with the Commission's International Settlements Policy and associated filing requirements contained in Sections 43.51 and 64.1001 of the Commission's Rules, 47 C.F.R. §§ 43.51, 64.1001. The Commission modified these requirements most recently in 1998 Biennial Regulatory Review - Reform of the International Settlements Policy and Associated Filing Requirements, IB Docket Nos. 98-148, 95-22, CC Docket No. 90-337 (Phase II), FCC 99-73 (rel. May 6, 1999). In addition, any carrier interconnecting private lines to the U.S. public switched network at its switch, including any switch in which the carrier obtains capacity either through lease or otherwise, shall file annually with the Chief, International Bureau, a certified statement containing, on a country-specific basis, the number and type (e.g., 64 kbps circuits) of private lines interconnected in such manner. The Commission will treat the country of origin information as confidential. Carriers need not file their contracts for interconnection unless the Commission specifically requests. Carriers shall file their annual report on February 1 (covering international private lines interconnected during the preceding January 1 to December 31 period) of each year. International private lines to countries for which the Commission has authorized the provision of switched basic services over private lines at any time during a particular reporting period are exempt from this requirement. See 47 C.F.R. § 43.51(d).

(5) 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 their 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 the Commission has authorized the provision of switched services over private lines to the particular country at the foreign end of the private line or the carrier is exchanging switched traffic with a foreign carrier that the Commission has determined lacks market power in the country at the foreign end of the private line. See 47 C.F.R. §§ 63.16, 63.22(e), 63.23(d). A foreign carrier lacks market power for purposes of this rule if it does not appear on the Commission list of foreign carriers that do not qualify for the presumption that they lack market power in particular foreign points. This list is available at http://www.fcc.gov/Bureaus/International/Public_Notices/1999/da990809.txt. See generally 1998 Biennial Regulatory Review - Reform of the International Settlements Policy and Associated Filing Requirements, IB Docket Nos. 98-148, 95-22, CC Docket No. 90-337 (Phase II), FCC 99-73 (rel. May 6, 1999), paras. 12-15, 102-109.

(6) The Commission has authorized the provision of switched basic services via facilities-based or resold private lines between the United States and the following foreign points: Sweden, Canada, New Zealand, the United Kingdom, Australia, The Netherlands, Luxembourg, Norway, Denmark, France, Germany, Belgium, Austria, Switzerland, Japan, Italy, Ireland, Hong Kong, Iceland, Spain, Finland, Israel, Singapore, Netherlands Antilles, Poland, Argentina, United Arab Emirates, Macau, Hungary, Philippines, Greece, Uruguay, Brunei, Trinidad & Tobago, Czech Republic, the Dominican Republic, Brazil, Botswana, Costa Rica and South Africa.

(7) Carriers may engage in "switched hubbing" to countries for which the Commission has not authorized the provision of switched basic services over private lines consistent with Section 63.17(b) of the rules.

(8) Carriers may provide U.S. inbound or outbound switched basic service via their authorized private lines extending between or among the United States, Sweden, New Zealand, the United Kingdom, Australia, The Netherlands, Luxembourg, Norway, Denmark, France, Germany, Belgium, Austria, Switzerland, Japan, Italy, Ireland, Hong Kong, Iceland, Spain, Finland, Israel, Singapore, Netherlands Antilles, Poland, Argentina, United Arab Emirates, Macau, Hungary, Philippines, Greece, Uruguay, Brunei, Trinidad & Tobago, Czech Republic, the Dominican Republic, Brazil, Botswana, Costa Rica and South Africa.

(9) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.

(10) Carriers shall file a tariff pursuant to Section 203 of the Communications Act of 1934, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61, for their authorized services. See also 47 C.F.R. § 20.15(d).

(11) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a). Carriers shall also file the quarterly reports required by Section 43.61 in the circumstances specified in paragraphs (b) and (c) of that Section.

(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, 63.23(e). These requirements apply to facilities-based carriers and private line resellers, respectively.

(13) Carriers should consult Section 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), on recon., 10 FCC Rcd 9540 (1995).

(16) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903. See Regulatory Treatment of LEC Provision of Interexchange Services Originating in the LEC's Local Exchange Area and Policy and Rules Concerning the Interstate, Interexchange Marketplace, Second Report and Order in CC Docket No. 96-149 and Third Report and Order in CC Docket No. 96-61, 12 FCC Rcd 15756, recon., 12 FCC Rcd 8730 (1997), Order, 13 FCC Rcd 6427 (Com. Car. Bur. 1998), further recon., FCC 99-103 (rel. June 30, 1999).

(17) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based service on that route unless the current rates the affiliate charges U.S. international carrier to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliation" and "foreign carrier" are defined in Section 63.09.

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 days of this public notice (see Section 1.4(b)(2)).

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

Exclusion List for International Section 214 Authorizations

-- Last Modified December 22, 1999 --

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 63.18 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)(4) of the Commission's Rules. See generally 47 C.F.R. § 63.22.

Countries:

Cuba (Applications for service to Cuba 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:

All non-U.S.-licensed satellite systems that are not on the Permitted Space Station List, maintained at <http://www.fcc.gov/ib/srd/se/permitted.html>. See International Bureau Public Notice, DA 99-2844 (rel. Dec. 17, 1999).

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 may 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, 11 FCC Rcd 12,884, released March 13, 1996 (61 Fed. Reg. 15,724, April 9, 1996). A current version of this list is maintained at <http://www.fcc.gov/ib/td/pf/telecomrules.html#exclusionlist>.

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