

FEDERAL COMMUNICATIONS COMMISSION

[DA 98-888]

Streamlining the International Section 214 Authorization Process and Tariff Requirements

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On May 11, 1998, the Telecommunications Division of the International Bureau of the Federal Communications Commission adopted an Order modifying the exclusion list that prohibits U.S. carriers from making use of non-U.S. licensed facilities. The Commission removed the following facilities from the exclusion list: U.K.-German-6, FLAG, all cables on the Sweden-Finland route, Ulysses, and HERMES. This decision will reduce the regulatory burden on U.S. carriers seeking to obtain capacity on these facilities and should make the market for cable access more competitive, leading to lower prices for U.S. carriers' end users.

EFFECTIVE DATE: May 11, 1998.

FOR FURTHER INFORMATION CONTACT: Adam Krinsky, Attorney, Policy and Facilities Branch, Telecommunications Division, International Bureau, (202) 418-1099.

SUPPLEMENTARY INFORMATION: This is a summary of the Telecommunications Division's Order adopted on May 11, 1998 and released on May 13, 1998 (DA 98-888). The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC 20554. The complete text of this Order also may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800. The Order also is available as a text file at <<http://www.fcc.gov/Bureaus/International/Orders/1998/da980888.txt>>. It is available as a WordPerfect file at <<http://www.fcc.gov/Bureaus/International/Orders/1998/da980888.wp>>.

Summary of Order

1. On February 29, 1996, the Federal Communications Commission adopted rules to streamline the international Section 214 authorization process and tariff requirements. (Report and Order, Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118,

FCC 96-79, released March 13, 1996, 61 FR 15724, April 9, 1996). The Report and Order adopted procedures for issuing global, rather than country-specific and facility-specific, Section 214 authorizations to qualified applicants. As part of the new procedures, the Commission required the International Bureau to establish and maintain an exclusion list identifying restrictions on providing service using particular facilities or to particular countries for those carriers receiving a global Section 214 authorization. On July 26, 1996, the International Bureau adopted the exclusion list. (Report and Order, Streamlining the International Section 214 Authorization Process and Tariff Requirements, DA 96-1205, released July 29, 1996, 61 FR 50023, September 24, 1996). The exclusion list was subsequently modified on October 22, 1996 (Report and Order, Streamlining the International Section 214 Authorization Process and Tariff Requirements, DA 96-1752, released October 24, 1996, 61 FR 58689, November 18, 1996).

2. On December 29, 1997, PLD Telekom Inc. (PLD) requested authority to provide authorized and future services using the following non-U.S.-licensed facilities not yet identified as exceptions to the Commission's exclusion list: U.K.-German-6, FLAG, all cables on the Sweden-Finland route, Ulysses, and HERMES (See PLD Telekom, File No. ITC-98-040, filed December 29, 1997). No parties opposed PLD's request.

3. With regard to the cable facilities identified by PLD, we do not find any imperative circumstances that warrant their continued exclusion. Removal of these cable systems from the exclusion list will reduce the regulatory burden on U.S. carriers wishing to obtain capacity on these facilities and should make the market for cable access more competitive, leading to lower prices for U.S. carriers' end users. We therefore find that the public interest will be served by removing the requested facilities from the exclusion list. The U.K.-German-6, FLAG, all cables on the Sweden-Finland route, Ulysses, and HERMES cables will therefore be added to the facilities specified as excepted from the exclusion list. This modification of the exclusion list allows any U.S. facilities-based carrier with global Section 214 authorization to use these cable systems.

Ordering Clauses

4. Accordingly, *it is ordered* that the Exclusion List attached to this order, which identifies restrictions on

providing service using particular facilities or to particular countries for those carriers receiving a global Section 214 authorization, is hereby adopted.

5. This order is issued under § 0.261 of the Commission's rules, 47 CFR 0.261, and is effective upon adoption. Petitions for reconsideration under § 1.106 or applications for review under § 1.115 of the Commission's Rules may be filed within 30 days of the date of the public notice of this Order (See 47 CFR 1.4(b)(2)).

Federal Communications Commission.

Diane J. Cornell,

*Chief, Telecommunications Division,
International Bureau.*

Attachment

International Section 214 Authorizations; Exclusion List as of May 11, 1998.

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 CFR 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 63.8(e)(6) of the Commission's Rules. 47 CFR 63.18(e)(6).

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

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
ECFS
EMOS-1
EURAFRICA
FLAG
Germany-Denmark 1
Germany-Sweden No. 4
Germany-Sweden No. 5
H-J-K
HERMES
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
 Sweden-Finland
 T-V-H
 TAGIDE 2
 TASMAN 2
 UGARIT
 UK-BEL 6
 UK-Denmark 4
 UK-Germany 5
 UK-Germany 6
 UK-Netherlands 12
 UK-Netherlands 14
 UK-Spain 4
 Ulysses
 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. The list also is subject to change upon issuance of an Executive Order. See Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, FCC 96-79, released March 13, 1996.

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

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FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

June 12, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418-1379.

Federal Communications Commission.

OMB Control No.: 3060-0789.

Expiration Date: 06/30/2001.
Title: Modified Alternative Plan, CC Docket No. 90-571, Order ("1997 Suspension Order").
Form No.: N/A.
Respondents: Business or other for-profit.
Estimated Annual Burden: 35 respondents; 13.48 hour per response (avg.); 472 total annual burden hours for all collections.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$0.

Frequency of Response: On occasion.
Description: Title IV of the Americans with Disabilities Act of 1990 ("ADA") requires each common carrier providing voice transmission services to provide Telecommunications Relay Services ("TRS") throughout the area it serves to individuals with hearing and speech disabilities by 1993. The TRS enables customers with hearing or speech disabilities to use the telephone network in ways that are "functionally equivalent" to those used by customers using traditional telephone service. Under the Commission's rules, the TRS must be able to handle all calls normally provided by common carriers, unless those carriers demonstrate the infeasibility of doing so. 47 CFR 64.604(a)(3). The Commission has interpreted "all calls" to include coin sent-paid calls, which are calls made by depositing coins in a standard coin-operated public payphone. The Bureau has suspended enforcement of the requirement that carriers provide coin sent-paid calls through the TRS centers since 1993 based on common carriers' representations that it has been technically infeasible to provide the coin sent-paid service through the TRS centers ("coin sent-paid rule"). Since 1995, carriers have made payphones accessible to TRS users through an Alternative Plan ("Alternative Plan"). The Alternative Plan enables TRS users to make local relay calls for free and to make toll calls from payphones using calling or prepaid cards at or below the coin call rates. The Alternative Plan also requires carriers to educate TRS users about the alternative payment methods for the TRS users to make relay calls from payphones. In an Order issued in Telecommunications Relay Services, and the Americans with Disabilities Act of 1990, CC Docket No. 90-571 (adopted August 20, 1997; released August 21, 1997), the Common Carrier Bureau ("Bureau") suspended the enforcement of the requirement that the TRS be capable of handling coin sent-paid calls for one year until August 26, 1998 because the only technological solution that can provide the coin sent-paid calls through the TRS centers, coin signalling

interface ("CSI"), has serious deficiencies and no new technological solution appears imminent. In the Order, the Bureau recommends that during the one year suspension, the Commission conduct a rulemaking on coin sent-paid issues to gather information sufficient to ensure that the Commission's final decision on whether the TRS must be capable of handling coin sent-paid calls is based on a complete and fresh record. In addition, the Bureau directed the industry to continue to make payphones accessible to TRS users under the terms of the Alternative Plan, as set forth in Telecommunications Relay Services, and the Americans with Disabilities Act of 1990, Memorandum Opinion and Order, 10 FCC Rcd 10927 (1995) ("1995 Suspension Order"), and as modified by the Order. The Order modifies the Alternative Plan by requiring industry to: (1) send a consumer education letter to TRS centers (no. of respondents: 1; hour burden per respondent: 4 hours; total annual burden: 4 hours); (2) inform organizations representing the hearing and speech disability community before attending their regional and national meetings who will be present at the meeting, where the industry booth will be located, and at what times the booth will be in operation (no. of respondents: 1; hour burden per respondent: 15 minutes; total annual burden: 1.5 hours); (3) publish an article in Consumer Action Network ("CAN's") respective organizations' magazines or newsletters (no. of respondents: 1; hour burden per respondent: 8 hours; total annual hour burden: 8 hours); (4) send a letter directly to all CAN's members (no. of respondents: 1; hour burden per respondent: 4 hours; total annual burden: 4 hours); and, (5) create laminated cards with visual characters that will provide a pictorial explanation to accompany the text describing access to TRS centers from payphones to be distributed to TRS users (no. of respondents: 30; hour burden per respondent: 15 hours; total annual hour burden: 450 hours). The Commission has imposed these third party disclosure requirements to educate TRS users about their ability to make relay calls from payphones, the payment methods available and the rates for the payphone calls. Obligation to respond: Required.

Public reporting burden for the collections of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, D.C. 20554.