

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

FACILICOM File No. I-T-C-95-530
INTERNATIONAL, L.L.C.

Application for authority to
acquire and operate facilities
for service to Denmark and Sweden.

ORDER, AUTHORIZATION AND CERTIFICATE

Adopted: November 30, 1995; Released: January 19, 1996

By the Chief, Telecommunications Division:

1. Upon consideration of the above-captioned uncontested application, filed pursuant to Section 214 of the Communications Act of 1934, as amended, IT IS HEREBY CERTIFIED that the present and future public convenience and necessity require a grant thereof.

2. Accordingly, it is ordered that application File No. I-T-C-95-530 IS GRANTED, and Facilicom International, L.L.C. (FCI) is authorized to:

- a. acquire on an Indefeasible Right of User basis a one-half interest in and operate two E-1 circuits in the CANUS-1 and CANTAT-III Cable Systems, between the United States and Canada, and between Canada and Denmark and Sweden;
- b. lease and operate connecting facilities between the CANUS-1 terminal in Manahawkin, New Jersey and FCI's New York operating office;
- c. lease a one-half interest in and operate any necessary overseas connecting facilities; and
- d. use said facilities to provide regularly authorized services, including switched voice and data and private line services, between the United States and Denmark (one E-1), and between the United States and Sweden (one E-1).

3. IT IS FURTHER ORDERED that neither FCI nor any persons or companies directly or indirectly controlling or controlled by FCI, or under direct or indirect common control with it, shall acquire or enjoy any right, for the purposes of handling or interchanging traffic to or from the United States, its territories or possessions, which is denied to any other United States carrier by reason of any concession, contract, understanding, or working arrangement to which FCI or any persons or companies controlling or controlled by FCI are parties.

4. IT IS FURTHER ORDERED that our authorization of FCI to provide private lines as part of its authorized services is limited to the provision of such private lines only between the United States and Denmark or Sweden -- that is, private lines which originate in the United States and terminate in Denmark or Sweden or which originate

in Denmark or Sweden and terminate in the United States. In addition, FCI may not -- and FCI's tariff must state that its customers may not -- connect private lines provided over these facilities to the public switched network at either the U.S. or foreign end, or both, for the provision of international basic switched services, unless authorized to do so by the Commission upon a finding that the destination country affords resale opportunities equivalent to those available under U.S. law, in accordance with *Regulation of International Accounting Rates, Phase II, First Report and Order*, 7 FCC Rcd 559 (1991), *Order on Reconsideration and Third Further Notice of Proposed Rulemaking*, 7 FCC Rcd 7927 (1992), *petition for reconsideration pending*.

5. IT IS FURTHER ORDERED that the applicant shall file copies of any operating agreements it enters into with its foreign correspondents with the Commission within 30 days of their execution, and shall otherwise comply with the filing requirements contained in Section 43.51 of the Commission's Rules, 47 C.F.R. §43.51.

6. IT IS FURTHER ORDERED that the applicant shall file a tariff pursuant to Section 203 of the Communications Act, 47 U.S.C. §203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61, for the service authorized in this Order.

7. IT IS FURTHER ORDERED that the applicant shall file the annual reports of overseas telecommunications traffic required by Section 43.61 of the Commission's Rules, 47 C.F.R. §43.61.

8. IT IS FURTHER ORDERED that the applicant shall file annual circuit status reports 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).

9. IT IS FURTHER ORDERED that this authorization is issued subject to the terms and conditions of any license for the CANUS-1 cable system issued herein under the Act entitled "An Act relating to the landing and operation of submarine cables in the United States," 47 U.S.C. §§ 34-39.

10. IT IS FURTHER ORDERED that the applicant shall file an application pursuant to Section 214 of the Communications Act of 1934, as amended, before adding any circuits or channels of communication for the provision of service over any private cable system in which circuits are authorized herein.

11. This order is issued under Section 0.261 of the Commission's Rules and is effective upon adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's Rules may be filed within 30 days of the date of public notice of this order (*see* Section 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

Diane J. Cornell
Chief, Telecommunications Division
International Bureau

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

SPRINT
COMMUNICATIONS
COMPANY L.P.

File No. I-T-C-95-531

Application for authority to acquire and operate facilities for service between the United States, on the one hand, and Gambia, Senegal, Tanzania and Tunisia, on the other hand.

ORDER, AUTHORIZATION AND CERTIFICATE

Adopted: November 30, 1995; Released: January 19, 1996

By the Chief, Telecommunications Division:

1. Upon consideration of the above-captioned uncontested application, filed pursuant to Section 214 of the Communications Act of 1934, as amended, IT IS HEREBY CERTIFIED that the present and future public convenience and necessity require the provision of direct service between the United States, one the one hand, and Gambia, Senegal, Tanzania and Tunisia, on the other hand, by Sprint Communications Company L.P. (Sprint).

2. Accordingly, IT IS ORDERED that application File No. I-T-C-95-531 IS GRANTED and Sprint is authorized to:

- a. lease from Comsat and operate a 512 Kbps satellite circuit between Sprint's Franklin, New Jersey earth station and an appropriate INTELSAT satellite over the Atlantic Ocean, connecting with a similar circuit between the satellite and an earth station in Gambia, furnished by Sprint's correspondent;
- b. own and operate facilities in the Franklin earth station to be used in conjunction with the satellite space segment capacity;
- c. own and operate connecting facilities between the Franklin earth station and Sprint's New York City operating center;
- d. use facilities in a, b and c, above, to provide Sprint's regularly authorized services between the United States and Gambia;
- e. lease from Comsat and operate a 1.024 Mbps satellite circuit between Sprint's Franklin earth station and an appropriate INTELSAT satellite over the Atlantic Ocean, connecting with a similar circuit between the satellite and an earth station in Senegal, furnished by Sprint's correspondent;
- f. own and operate facilities in the Franklin earth station, to be used in conjunction with the space segment capacity;

g. own and operate connecting facilities between the Franklin earth station and Sprint's New York City operating office;

h. use the facilities in e, f and g, above, to provide Sprint's regularly authorized services between the United States and Senegal;

i. lease from Comsat and operate a 512 Kbps satellite circuit between Orion's Shenandoah, Virginia earth station and an appropriate INTELSAT satellite over the Atlantic Ocean, connecting with a similar circuit between the satellite and an earth station in Tanzania, furnished by Sprint's correspondent;

j. lease from Orion and operate facilities in the Shenandoah earth station, to be used in conjunction with the space segment capacity;

k. own and operate connecting facilities between the Shenandoah earth station and Sprint's New York City operating office;

l. use the facilities in i, j and k, above, to provide Sprint's regularly authorized services between the United States and Tanzania;

m. lease from Comsat and operate a 1.024 Mbps satellite circuit between the Shenandoah earth station and an appropriate INTELSAT satellite over the Atlantic Ocean, connecting with a similar circuit between the satellite and an earth station in Tunisia, furnished by Sprint's correspondent;

n. lease from Orion and operate facilities in the Shenandoah earth station, to be used in conjunction with the space segment capacity;

o. own and operate connecting facilities between the Shenandoah earth station and Sprint's New York City operating office; and

p. use the facilities in m, n and o, above, to provide Sprint's regularly authorized services between the United States and Tunisia.

3. IT IS FURTHER ORDERED that our authorization of Sprint to provide private lines as part of its authorized services is limited to the provision of such private lines only between the United States and Gambia, Senegal, Tanzania or Tunisia -- that is, private lines which originate in the United States and terminate in Gambia, Senegal, Tanzania or Tunisia or which originate in Gambia, Senegal, Tanzania or Tunisia and terminate in the United States. In addition, Sprint may not -- and Sprint's tariff must state that its customers may not -- connect private lines provided over these facilities to the public switched network at either the U.S. or foreign end, or both, for the provision of international basic switched services, unless authorized to do so by the Commission upon a finding that Gambia, Senegal, Tanzania or Tunisia affords resale opportunities equivalent to those available under U.S. law, in accordance with *Regulation of International Accounting Rates, Phase II, First Report and Order*, 7 FCC Rcd 559 (1991), Order on Reconsideration and Third Further Notice of Proposed Rulemaking, 7 FCC Rcd 7927 (1992), *petition for reconsideration pending*.

4. IT IS FURTHER ORDERED that neither Sprint nor any persons or companies directly or indirectly controlling or controlled by Sprint, or under direct or indirect common control with it, shall acquire or enjoy any right, for the purposes of handling or interchanging traffic to or

from the United States, its territories or possessions, which is denied to any other United States carrier by reason of any concession, contract, understanding, or working arrangement to which Sprint or any persons or companies controlling or controlled by Sprint are parties.

5. IT IS FURTHER ORDERED that the applicant shall file copies of any operating agreements it enters into with its foreign correspondents with the Commission within 30 days of their execution, and shall otherwise comply with the filing requirements contained in Section 43.51 of the Commission's Rules, 47 C.F.R. §43.51.

6. IT IS FURTHER ORDERED that the applicant shall file a tariff pursuant to Section 203 of the Communications Act, 47 U.S.C. §203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61, for the services authorized in this Order.

7. IT IS FURTHER ORDERED that the applicant shall file the annual reports of overseas telecommunications traffic required by Section 43.61 of the Commission's Rules, 47 C.F.R. §43.61.

8. IT IS FURTHER ORDERED that the applicant shall file annual circuit status reports 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).

9. The Commission retains jurisdiction over this matter to reallocate circuits in the satellite system among the various international common carriers and other authorized users as required to ensure nondiscriminatory use of, and equitable access to, the communications satellite system.

10. This order is issued under Section 0.261 of the Commission's Rules and is effective upon adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's Rules may be filed within 30 days of the date of public notice of this order (*see* Section 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

Diane J. Cornell, Chief
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