

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

In the Matter of

INTEX TELECOMMUNICATIONS, INC.

Application for authority to File No. I-T-C-95-541
acquire and operate facilities
for service to Panama.

ORDER, AUTHORIZATION AND CERTIFICATE

Adopted: January 17, 1996; Released: January 29, 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-95-541 IS GRANTED, and INTEX Telecommunications, Inc. (INTEX) is authorized to:

- a. lease from Comsat and operate four voice-grade satellite circuits between an appropriately licensed U.S. earth station and an appropriate INTELSAT satellite over the Atlantic Ocean, connecting with similar circuits between the satellite and an earth station in Panama, furnished by its correspondent;
- b. lease from PanAmSat and operate four voice-grade satellite circuits between an appropriately licensed U.S. earth station and the PAS-1 satellite, connecting with similar circuits between the satellite and an earth station in Panama, furnished by its correspondent;
- c. lease and operate facilities in the U.S. earth stations, to be used in conjunction with the space segment capacity;
- d. lease and operate necessary domestic connecting facilities;
- e. multiplex the voice-grade circuits authorized herein to derive the maximum number of circuits attainable; and
- f. use said facilities to provide regularly authorized services, including switched voice and data and private line services, between the United States and Panama.

3. IT IS FURTHER ORDERED that our authorization of INTEX 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 Panama -- that is, private lines which originate in the United States and terminate in Panama or which originate in Panama and terminate in the United States. In addition, INTEX may not -- and INTEX'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 Panama end, or both, for the provision of international basic switched services, unless authorized to do so by the Commission upon a finding that Panama 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 INTEX nor any persons or companies directly or indirectly controlling or controlled by INTEX, 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 INTEX or any persons or companies controlling or controlled by INTEX are parties.

5. IT IS FURTHER ORDERED that the applicant shall file copies of any operating agreement it enters into with its foreign correspondent with the Commission within 30 days of its 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. 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.

9. IT IS FURTHER ORDERED that the applicant shall file a separate Section 214 application for any additional circuits it seeks to operate via the PAS-1 satellite.

10. IT IS FURTHER ORDERED that the number of circuits authorized herein for the provision of services via separate satellite systems is subject to limitations on the number of circuits specified under the separate systems policy and applicable consultations under Article XIV(d) of the INTELSAT Agreement.

11. 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).

12. 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