

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

In the Matter of)	
)	
Removing Cuba from the Exclusion List for)	IB Docket No. 15-289
International Section 214 Authorizations)	(Terminated)

ORDER

Adopted: January 15, 2016

Released: January 15, 2016

By the Chief, International Bureau:

I. INTRODUCTION

1. In this Order, we remove Cuba from the Commission’s “Exclusion List for International Section 214 Authorizations” (Exclusion List).¹ The Exclusion List identifies countries and facilities that are not covered by grant of a global facilities-based Section 214 application and require a separate international Section 214 application filed under section 63.18(e)(3) of the Commission’s rules.² We recently proposed to remove Cuba from the Exclusion List based on State Department guidance announcing certain changes to its policy concerning Cuba and requesting that the Commission remove Cuba from the Exclusion List.³

II. BACKGROUND

2. The International Bureau (Bureau) adopted the Exclusion List in 1996, as required by the Commission’s *1996 Streamlining Order*.⁴ In the *1996 Streamlining Order*, the Commission adopted new rules that permitted applicants to obtain global facilities-based international Section 214 authority, rather than country-specific authority.⁵ At the same time, the Commission tasked the Bureau with maintaining “a list that identifies any restrictions on providing service to particular countries or using particular facilities, and whether separate Section 214 authority is needed for these countries and/or facilities.”⁶ The Commission noted, as an example, the State Department’s separate filing requirements for service to Cuba.⁷ Consistent with that direction, on July 29, 1996, the Bureau adopted the *Exclusion List Order* and

¹ *Streamlining the International Section 214 Authorization Process and Tariff Requirements – Exclusion List*, IB Docket No. 95-118, Order, DA 96-1205 (Telecom Div., IB rel. July 29, 1996), *recon.* 11 FCC Rcd 14372 (Telecom Div., IB 1996) (*Exclusion List Order*).

² *Id.*; 47 U.S.C. § 214; 47 CFR § 63.18(e)(3).

³ *International Bureau Seeks Comment on Removing Cuba from the Exclusion List*, Public Notice, DA 15-1354 (IB rel. Nov. 24, 2015) (*2015 Exclusion List Public Notice*); *see also Modification of Process Regarding the Licensing of Telecommunications Services Between the United States and Cuba*, Public Notice, 30 FCC Rcd 12458 (IB rel. Nov. 9, 2015) (*2015 Cuba Public Notice*), *attaching* Letter from Ambassador Daniel A. Sepulveda, U.S. Coordinator for International Communications and Information Policy, U.S. Department of State, to Thomas Wheeler, FCC Chairman (Oct. 26, 2015) (*October 2015 State Department Letter*).

⁴ *Streamlining the International Section 214 Authorization Process and Tariff Requirements*, Report and Order, 11 FCC Rcd 12884 (1996) (*1996 Streamlining Order*).

⁵ *Id.* at 12884, 12891-92, paras. 14-16; 47 U.S.C. § 214; 47 CFR § 63.18(e)(1).

⁶ *1996 Streamlining Order*, 11 FCC Rcd at 12892, para. 17.

⁷ *Id.* at n.29.

included Cuba on the Exclusion List.⁸ As a result, applicants seeking to provide facilities-based service between the United States and Cuba were required to file a separate Section 214 application that would be coordinated with the State Department and processed by the Commission on a non-streamlined basis.

3. The Commission has licensed and regulated telecommunications services between the United States and Cuba in conformance with guidance from the State Department, first received in 1993, and updated periodically. On January 21, 2010, based on revised policy guidance from the State Department, the International Bureau announced that it would continue to identify Cuba on the Exclusion List.⁹ On October 26, 2015, the State Department rescinded its January 12, 2010 guidance and replaced it with new guidance.¹⁰ As part of that new guidance, the State Department recommended that the Commission “remove Cuba from the Commission’s ‘Exclusion List for International Section 214 Authorizations’ and allow all carriers to provide telecommunications services between the United States and Cuba pursuant to global Section 214 authority under section 63.18(e)(l) of the Commission rules.”¹¹

4. On November 24, 2015, we released a public notice seeking comment on removing Cuba from the Exclusion List.¹² All commenters support removing Cuba from the Exclusion List, consistent with State Department recommendations.¹³ AT&T states that removal of Cuba from the Exclusion List would help foster competition for bilateral communications between the United States and Cuba, and thus increase the flow of information to and from the Cuban people.¹⁴ Medtronic supports removing Cuba from the Exclusion List, claiming it would be easier for carriers to obtain authority to Cuba, which will then promote connectivity for medical devices and services, such as remote monitoring of medical devices and exchange of medical information between the two countries.¹⁵

III. DISCUSSION

5. We adopt our proposal to remove Cuba from the Commission’s Exclusion List. We agree with the commenters that removing Cuba from the Exclusion List will make it easier for U.S. facilities-based carriers to initiate service to Cuba, promote open communications, and help foster bilateral communications between the United States and Cuba.¹⁶ With this action, we streamline the Section 214 authorization process by including Cuba within the global Section 214 authority of section 63.18(e)(1) of the Commission’s rules, rather than requiring carriers to file a separate application under section 63.18(e)(3). Streamlining this process will allow carriers seeking new international Section 214 authority

⁸ See *supra* note 1.

⁹ *Modification of Process to Accept Applications for Service to Cuba and Related Matters*, 25 FCC Rcd 416 (IB 2010) (2010 Cuba Public Notice), attaching Letter from Ambassador Philip L. Verveer, U.S. Coordinator for International Communications and Information Policy, U.S. Department of State, to Julius Genachowski, FCC Chairman (Jan. 12, 2010).

¹⁰ *October 2015 State Department Letter*.

¹¹ *Id.* at 1-2.

¹² See *2015 Exclusion List Public Notice*. See also *1996 Streamlining Order*, 11 FCC Rcd at 12893, para. 18 (“For situations where the public interest requires us to amend the exclusion list either to remove or impose restrictions on services to a particular country or use of specific facilities previously permitted under an existing Section 214 authorization, we will first issue a public notice giving affected parties opportunity for comment and hearing on the proposed changes. We will then release an order amending the exclusion list.”); see, e.g., *Removal of Approved Non-U.S. Licensed Space Station from the Section 214 Exclusion List*, IB Docket 07-23, Order, 26 FCC Rcd 9423 (IB 2011) (removing certain facilities from the Exclusion List after seeking public comment).

¹³ AT&T Services Inc. (AT&T) Comments at 1-2; Medtronic Inc. (Medtronic) Comments at 1.

¹⁴ AT&T Comments at 2.

¹⁵ Medtronic Comments at 2-3.

¹⁶ AT&T Comments at 1; Medtronic Comments at 1.

for facilities-based service to Cuba to receive such authority sooner, and will permit carriers with existing global Section 214 authority to provide services between the United States and Cuba without additional authorization. Our streamlined processing allows for an application to be granted, unless opposed by the Commission or another party, on the 14th day after being placed on public notice, and the applicant may then commence operations on the 15th day after the public notice listing.¹⁷ Such action benefits the public interest as it will likely alleviate administrative and cost burdens on both the applicant and the Commission, and promote competition on the U.S-Cuba route.

IV. ORDERING CLAUSES

6. IT IS ORDERED, pursuant to Sections 4(i) and 214 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 214, and Sections 0.51 and 0.261 of the Commission's rules, 47 CFR §§ 0.51, 0.261, that this Order IS ADOPTED and Cuba is removed from the Exclusion List for International Section 214 Authorizations and that IB Docket No. 15-289 is TERMINATED.

7. IT IS FURTHER ORDERED that this Order SHALL BE EFFECTIVE upon release. Petitions for reconsideration under Section 1.106 of the Commission's rules, 47 CFR § 1.106, or applications for review under Section 1.115 of the Commission's rules, 47 CFR § 1.115, may be filed within 30 days of the date of the release of this Order.

FEDERAL COMMUNICATIONS COMMISSION

Mindel De La Torre
Chief, International Bureau

¹⁷ 47 CFR § 63.12.