



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 03-3721
November 19, 2003

INTERNATIONAL BUREAU SEEKS COMMENT ON AT&T WIRELESS REQUEST TO AMEND THE COMMISSION'S LIST OF FOREIGN TELECOMMUNICATIONS CARRIERS THAT ARE PRESUMED TO POSSESS MARKET POWER IN FOREIGN TELECOMMUNICATIONS MARKETS

File No. 214-PDR-20030709-00020

Comment Date: December 19, 2003

Reply Comment Date: January 5, 2004

On July 9, 2003, AT&T Wireless Services, Inc. ("AWS") filed a Petition for Declaratory Ruling asking the Commission to amend and correct its List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets ("Foreign Carrier List") to reflect the presence of Cable & Wireless plc ("C&W") and its affiliates in various foreign telecommunications markets.¹ AWS states that a number of C&W affiliates located in overseas territories of the United Kingdom hold significant market power in their respective telecommunications markets and should be included in the Foreign Carrier List.²

¹ Petition for Declaratory Ruling, File No. 214-PDR-20030709-00020 (filed July 9, 2003). *See also International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, 18 FCC Rcd 11073 (2003). The Commission's rules include a presumption that a foreign carrier does not possess market power on the foreign end of a U.S. international route if it possesses less than 50 percent market share in each of three relevant foreign product markets: international transport facilities, including cable landing station access and backhaul facilities; inter-city facilities and services; and local access facilities and services on the foreign end. *See* 47 C.F.R. § 43.51(g)(1999)(64 Fed. Reg. 34734, 34740-1 (June 29, 1999)). *See also Reform of the International Settlements Policy and Associated Filing Requirements*, 14 FCC Rcd at 7976-78, ¶¶ 38-41.

² AWS states that it is expanding rapidly in the Caribbean markets, where its affiliates compete with C&W's mobile affiliates. AWS asserts that its affiliates have experienced significant difficulties and delays in interconnecting with C&W's wireline affiliates. *See* Petition for Declaratory Ruling at 1.

AWS asserts that the following carriers control 50 percent of market share in one or more of the relevant foreign product markets (international transport facilities, intercity facilities and services, and local access facilities and services on the foreign end). Thus, AWS seeks to add the following carriers and markets to the Foreign Carrier List:

- Anguilla – Cable & Wireless (West Indies) Limited;
- Ascension Island – Cable & Wireless (West Indies) Limited;
- British Virgin Islands – Cable & Wireless (West Indies) Limited;
- Cayman Islands – Cable & Wireless (Cayman Islands) Limited;
- Diego Garcia –C&W;
- Falkland Islands – Cable & Wireless Falkland Islands;
- Fiji – Fiji International Telecommunications Ltd.;
- Guernsey – Cable & Wireless, Guernsey (formerly known as Guernsey Telecoms Limited);
- Macau – Companhia de Telecomunicações de Macau S.A.R.L.;
- Montserrat – Cable & Wireless (West Indies) Limited;
- St. Helena – C&W;
- Sakhalin – C&W;
- Turks and Caicos Islands – Cable & Wireless (West Indies) Limited;

AWS also requests that the Commission revise the Foreign Carrier List to reflect accurately the names of a number of C&W affiliates.³

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **December 19, 2003**, and reply comments on or before **January 5, 2004**. Any filings should reference the file number of this proceeding. An original and four copies of all pleadings must be filed in accordance with Section 1.51(c) of the Commission's rules, 47 C.F.R. § 1.51(c).

If filed by hand delivery, the Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

If filed by mail, the following procedures should be followed: Commercial Overnight Mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail,

³ See Petition for Declaratory Ruling at 11-12.

Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: 202 863-2893;
- (2) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; e-mail: SusanOConnell@fcc.gov;
- (3) Claudia Fox, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-A622, Washington, D.C. 20554; e-mail: Claudia.Fox@fcc.gov; and
- (4) Peggy Reitzel, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-A630, Washington, D.C. 20554; e-mail: Peggy.Reitzel@fcc.gov.

Copies of the application and any subsequently-filed documents in this matter may be obtained from Qualex International, in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 863-2893, via facsimile at (202) 863-2898, or via e-mail at qualexint@aol.com. The applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554.

For further information, contact Peggy Reitzel, International Bureau, at (202) 418-1460