



# PUBLIC NOTICE

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

**DA 04-3518**  
**November 4, 2004**

## **ADDITIONAL U.S.-INTERNATIONAL ROUTES EXEMPTED FROM THE INTERNATIONAL SETTLEMENTS POLICY**

**IB Docket Nos. 02-324, 96-261**

By the Chief, Policy Division, International Bureau:

The routes listed in Attachment A are hereby exempted from the International Settlements Policy (ISP) pursuant to the ISP Reform First Report and Order and sections 0.51 and 0.261 of the Commission's rules.<sup>1</sup>

On March 30, 2004, the Commission released the *ISP Reform Order* that revised its policy and rules to remove the International Settlements Policy from benchmark-compliant routes. In the Order, the Commission identified ninety-six routes that clearly qualified for exemption from the ISP pursuant to the new rules.<sup>2</sup> The Commission also identified seventy-seven routes that were believed to be benchmark-compliant,<sup>3</sup> but provided interested parties with the opportunity to comment on those routes.<sup>4</sup> Commenters supported removing the ISP from the majority of routes.<sup>5</sup>

On August 31, 2004, after reviewing the comments and the settlement agreements on file at the Commission, the International Bureau issued a Public Notice lifting the ISP on twenty-six

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<sup>1</sup> See *International Settlements Policy Reform: International Settlement Rates*, IB Docket Nos. 02-324 and 96-21, First Report and Order, FCC 04-53, (rel. March 30, 2004) (*ISP Reform Order*); 47 C.F.R. §§ 0.51, 0.261.

<sup>2</sup> See *ISP Reform Order* at Appendix D.

<sup>3</sup> See *ISP Reform Order* at Appendix E.

<sup>4</sup> The *ISP Reform Order* became effective on May 28, 2004. On that date, the International Bureau issued a public notice setting the notice and comment dates for the list of routes believed to be benchmark-compliant. Several parties filed comments and replies.

<sup>5</sup> Parties raised concerns on only two of the routes: the U.S.-Philippines route and the U.S.-Papua New Guinea route. In addition, VSNL filed comments arguing that the U.S.-India route was benchmark-compliant and should have been included in the list of routes that would be exempt from the ISP under the new rules.

additional routes for which there were current benchmark rates on file pursuant to section 64.1001 the Commission's rules, and for which no party raised concerns.<sup>6</sup> The International Bureau also attached a list of routes for which Commission records indicated the rates had expired or were the subject of concerns raised in the comments. Prior to exempting these remaining routes from the ISP, the Bureau required written assurance that carriers had negotiated benchmark-compliant rates as contemplated by the *ISP Reform Order*.<sup>7</sup> In addition, because the U.S.-India route had been omitted from the original list of benchmark-compliant routes, the International Bureau requested comment on whether the U.S.-India route qualified for exemption from the ISP. AT&T, MCI, Sprint and Witel each provided a list of routes for which they certified they had current benchmark-compliant rates in place.<sup>8</sup>

The forty routes listed in Attachment A to this Public Notice qualify for exemption of the ISP under the Commission's *ISP Reform Order*. For these routes, at least one U.S. carrier has certified benchmark compliance and no concerns were raised regarding the routes during the comment cycle. Accordingly, the ISP will no longer apply on these routes. For the remaining routes, the ISP will remain in place until the International Bureau receives the appropriate filings pursuant to section 64.1001 of the Commission's rules, demonstrating benchmark compliance, as required by the *ISP Reform Order*.<sup>9</sup> With respect to the U.S.-Philippines route, we will issue a separate order after we have had the opportunity to conduct a complete review of the issues and concerns raised during the comment period.<sup>10</sup> A complete list of routes that now are exempt from the ISP is set forth in Attachment B.

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<sup>6</sup> See 47 C.F.R. § 64.1001.

<sup>7</sup> Our rules do not require carriers to file new rates as long as the ongoing rates are identical to the rate on file. See 47 C.F.R. § 64.1001. More specifically, our rules require a U.S. carrier to file new rates when that carrier agrees to rates with a foreign carrier with market power that are not identical to current rates on file. See also *Report and Order*.

<sup>8</sup> See Letter from James J.R. Talbot, Senior Attorney, AT&T, to Marlene Dortch, Secretary, Federal Communications Commission, IB Docket Nos. 02-324, 96-261 (filed September 24, 2004); Letter from David A. Nall, General Attorney, Sprint, to Marlene Dortch, Secretary, Federal Communications Commission, IB Docket Nos. 02-324, 96-261 (filed September 28, 2004); Comments of MCI, IB Docket Nos. 02-324, 96-261 (filed September 29, 2004); Letter from Adam Kupetsky, Director of Regulatory and Regulatory Counsel, Witel, to Marlene Dortch, Secretary, Federal Communications Commission, IB Docket Nos. 02-324, 96-261 (filed September 13, 2004); Letter from James J.R. Talbot, Senior Attorney, AT&T, to Marlene Dortch, Secretary, Federal Communications Commission, IB Docket Nos. 02-324, 96-261 (filed October 4, 2004); Letter from Scott Shefferman, Director, International Affairs, MCI to Marlene Dortch, Secretary, Federal Communications Commission, IB Docket Nos. 02-324, 96-261 (filed October 5, 2004); Letter from David A. Nall, General Attorney, Sprint, to Marlene Dortch, Secretary, Federal Communications Commission, IB Docket Nos. 02-324, 96-261 (filed October 5, 2004); from James J.R. Talbot, Senior Attorney, AT&T, to Marlene Dortch, Secretary, Federal Communications Commission, IB Docket Nos. 02-324, 96-261 (filed October 20, 2004).

<sup>9</sup> See 47 C.F.R. § 64.1001, note C; *ISP Reform Order*, FCC 04-53 at para. 30.

<sup>10</sup> We note that we also received late-filed comments from IDT regarding nineteen routes that were not the subject of the August 31, 2004 Public Notice. See "Initial Comments of IDT Corporation" (filed October 15, 2004). We hereby dismiss IDT's comments as untimely filed. The appropriate time to file comments on the standard for removing the ISP would have been during the 2004 ISP Reform Rulemaking Proceeding. See *International Settlements Policy Reform: International Settlement Rates*, IB Docket Nos. 02-324 and 96-21, First Report and Order, FCC 04-53 (rel. March 30, 2004) (*Report and Order*). Furthermore, the comment and reply cycle for the routes at issue in IDT's comments closed on July 13, 2004, with the exception of the U.S. India route. See

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Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules may be filed within thirty days of this public notice (see Section 1.4(b)(2)).<sup>11</sup>

For additional information, please contact Claudia Fox, Policy Division, International Bureau, (202) 418-1527, Kimberly Cook, Policy Division, International Bureau, (202) 418-7532, or James Ball, Chief, Policy Division, International Bureau, (202) 418-1460.

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*Commission Announces Pleading Cycle For Comments And Replies In Proceeding On Routes Believed To Be Benchmark-Compliant*, Public Notice, DA 04-1585 (rel. May 28, 2004). IDT nether requests permission nor provides any basis for acceptance of its late-filed comments at this stage of the process.

<sup>11</sup> See 47 C.F.R. §§ 1.106, 1.115, 1.4(b)(2).

## Attachment A

### Additional ISP-Exempt Routes

No.	Country
1	Albania
2	Anguilla
3	Armenia
4	Azerbaijan
5	Bahamas
6	Benin
7	Burkina
8	Cameroon
9	Cape Verde
10	Cayman Islands
11	Cote d'Ivoire
12	Equatorial Guinea
13	Eritrea (included in Ethiopia)
14	Estonia
15	Ethiopia
16	French Polynesia
17	Gabon
18	Georgia
19	Haiti
20	Honduras
21	India
22	Kazakhstan
23	Macedonia FDR (included in Serbia)
24	Malawi
25	Malta
26	Mayotte
27	Mexico
28	Montserrat
29	Namibia
30	Pakistan
31	Reunion
32	Senegal
33	Serbia
34	Sudan
35	Tanzania
36	Tonga
37	Turks and Caicos Islands
38	Ukraine
39	Uzbekistan
40	Virgin Islands, British



## Attachment B

### Complete List Of Routes Currently Exempt From the ISP

No.	Country	No.	Country
1	Albania	82	Kazakhstan
2	Algeria	83	Korea, South
3	Anguilla	84	Kuwait
4	Armenia	85	Latvia
5	Antigua and Barbuda	86	Lebanon
6	Argentina	87	Liberia
7	Aruba	88	Libya
8	Australia	89	Liechtenstein
9	Austria	90	Lithuania
10	Azerbaijan	91	Luxembourg
11	Bahamas	92	Macau
12	Bahrain	93	Macedonia FDR (included in Serbia)
13	Bangladesh	94	Malawi
14	Barbados	95	Malaysia
15	Belarus	96	Mali
16	Belgium	97	Malta
17	Belize	98	Mauritius
18	Benin	99	Mayotte
19	Bermuda	100	Mexico
20	Bolivia	101	Moldova
21	Bosnia and Herzegovina	102	Monaco (included in France)
22	Botswana	103	Mongolia
23	Brazil	104	Montserrat
24	Brunei	105	Morocco
25	Bulgaria	106	Mozambique
26	Burkina	107	Namibia
27	Cameroon	108	Nepal
28	Canada	109	Netherlands
29	Cape Verde	110	Netherlands Antilles
30	Cayman Islands	111	New Caledonia
31	Chile	112	New Zealand
32	China	113	Nicaragua
33	Colombia	114	Nigeria
34	Congo	95	Norway
35	Costa Rica	96	Oman
36	Cote d'Ivoire	97	Pakistan
37	Croatia	98	Panama
38	Cyprus	99	Paraguay
39	Czech Republic	100	Peru
40	Denmark	101	Poland
41	Dominica	102	Portugal
42	Dominican Republic	103	Qatar
43	Ecuador	104	Reunion
44	Egypt	105	Romania
45	El Salvador	106	Russia
46	Equatorial Guinea	107	Saint Kitts and Nevis
47	Eritrea (included in Ethiopia)	108	Saint Lucia
48	Estonia	109	Saint Vincent and the Grenadines

## Complete List Of Routes Currently Exempt From the ISP

No.	Country	No.	Country
49	Ethiopia	110	Saudi Arabia
50	Faroe Islands (included in Denmark)	111	Senegal
51	Fiji	112	Serbia
52	Finland	113	Singapore
53	France	114	Slovakia
54	French Guiana	115	Slovenia
55	French Overseas Dept. (Martinique)	116	South Africa
56	French Polynesia	117	Spain
57	Gabon	118	Sri Lanka
58	Gambia, The	119	Sudan
59	Georgia	120	Suriname
60	Germany	121	Swaziland
61	Ghana	122	Sweden
62	Greece	123	Switzerland
63	Grenada	124	Taiwan
64	Guadeloupe	125	Tanzania
65	Guatemala	126	Thailand
66	Guinea	127	Tonga
67	Guyana	128	Trinidad and Tobago
68	Haiti	129	Tunisia
69	Honduras	130	Turkey
70	Hong Kong	131	Turks and Caicos Islands
71	Hungary	132	Uganda
72	Iceland	133	Ukraine
73	India	134	United Arab Emirates
74	Indonesia	135	United Kingdom
75	Iran	136	Uruguay
76	Ireland	137	Uzbekistan
77	Israel	138	Venezuela
78	Italy	139	Virgin Islands, British
79	Jamaica	140	Yemen
80	Japan	141	Zambia
81	Jordan	142	Zimbabwe