

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

In the Matter of)
)
Global Crossing Bandwidth, Inc. Petition for) ISP-PDR-20040721-00012
Waiver of the International Settlements Policy)
for a Change in the Accounting Rate for)
International Message Telephone Services)
with Telefonos de Mexico S.A. de C.V.)
)
AT&T Petition and Supplemental Petition for) ISP-WAV-20030414-00011
Waiver of Section 43.51(e)(3) of the)
Commission’s Rules, 47 C.F.R. § 43.51(e)(3),)
to Remove the ISP from the Routes Between)
the United States and the Bahamas, Cayman)
Islands, India, Kazakhstan, Russia, Ukraine,)
Uzbekistan and Yemen)
)
AT&T Petition and Supplemental Petitions for) ISP-WAV-20020917-00031
Waiver of Section 63.16 of the Commission’s)
Rules to Provide Switched Services via)
Private Lines Interconnected to the Public)
Switched Network at One or Both Ends)
(International Simple Resale) Between the)
United States and Tanzania In Addition to)
Angola, Benin, Bulgaria, Cameroon, China,)
Estonia, Gabon, Georgia, Lithuania, Malawi,)
Malta, Moldova, Mozambique, Namibia,)
Senegal, and Sri Lanka, Djibouti, Latvia, and)
Uganda)
)
MCI Petition for a Declaratory Ruling) ISP-PDR-20040220-00010
Pursuant to Section 63.16 of the)
Commission’s Rules to Provide Switched)
Services Between the United States and Malta)
via International Private Lines Interconnected)
with the Public Switched Network at One)
and/or Both Ends (ISR))
)
AT&T Request for Waiver of Section 63.16 of) ISP-PDR-20031211-00026
the Commission’s Rules, to Provide Switched)
Services Between the United States and)
Honduras via International Private Lines)
Interconnected with the Public Switched)
Network at One or Both Ends (ISR))
)

AT&T Petition for Declaratory Ruling) ISP-PDR-20040227-00011
 Pursuant to Section 43.51(e)(3) of the)
 Commission's Rules to Add the Country of)
 the Bahamas to the List of Routes Exempt)
 from the ISP)

ORDER

Adopted: December 10, 2004

Released: December 13, 2004

By the Chief, Policy Division
 International Bureau

I. INTRODUCTION

1. We dismiss as moot several requests pending before the International Bureau concerning the Commission's International Settlements Policy (ISP). These petitions were rendered moot by the Commission's actions in its ISP Reform Order.¹

II. BACKGROUND AND DISCUSSION

2. On March 30, 2004, the Commission acted to modify the International Settlement Policy by removing the ISP requirements from all U.S.-international routes on which U.S. carriers have negotiated benchmark-compliant rates.² The *ISP Reform Order* also removed the International Simple Resale policy.³ The International Bureau has issued several Public Notices implementing the Commission's ISP Reform Order.⁴ As a result of the Commission's and Bureau's actions exempting certain U.S.-international routes from the ISP and removing International Simple Resale, the pending requests have been deemed moot. Thus, we dismiss the requests detailed below as moot.

3. On July 21, 2004, Global Crossing Bandwidth, Inc. (Global Crossing) submitted a petition for waiver of the ISP on the U.S.-Mexico route.⁵ On November 4, 2004, the

¹ 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*).

² See *id.*

³ See *id.* at para 29.

⁴ See, e.g., *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); *Commission Lifts the International Settlements Policy on Certain Benchmark-Compliant Routes, Seeks Comment on Other Routes*, Public Notice, DA 04-2832 (rel. August 31, 2004); *Additional U.S.-International Routes Exempted from the International Settlements Policy*, Public Notice, DA 04-3518 (rel. November 4, 2004).

⁵ See *Global Crossing Petition for Waiver of the International Settlements Policy for a Change in the Accounting Rate for International Message Telephone Services with Telefonos de Mexico S.A. de C.V.*, ISP-PDR-20040721-00012 (filed July 21, 2004).

International Bureau issued a public notice exempting the U.S.-Mexico route from the ISP.⁶ As a result, the petition for waiver is now moot.

4. On May 29, 2003, AT&T Corporation, on behalf of itself, AT&T Alascom, Inc., AT&T Puerto Rico, Inc., and AT&T of the Virgin Islands, Inc. (collectively referred to as AT&T) filed a supplemental petition for waiver of section 43.51(e)(3) of the Commission's rules, 47 C.F.R. § 43.51(e)(3), to remove the ISP from the U.S.-India route.⁷ This petition supplemented a previous petition AT&T filed on April 14, 2003 for waiver of section 43.51(e)(3) of the Commission's rules, 47 C.F.R. § 43.51(e)(3), to remove the ISP from certain U.S.-international routes and to add the foreign points to the list of U.S.-international routes exempt from the ISP. Specifically, AT&T sought to remove the ISP from the routes between the United States and the Bahamas, Cayman Islands, India, Kazakhstan, Russia, Ukraine, Uzbekistan and Yemen.⁸ On November 4, 2004, the International Bureau issued a public notice exempting additional routes from the ISP. In Appendix B of that Public Notice, the routes between the United States and the Bahamas, Cayman Islands, India, Kazakhstan, Russia, Ukraine, Uzbekistan and Yemen are all listed as exempt from the ISP.⁹ Consequently, the petition for waiver is now moot.

5. On September 15, 2003, AT&T Corporation, on behalf of itself, AT&T Alascom, Inc., AT&T Puerto Rico, Inc. and AT&T of the U.S. Virgin Islands, Inc. (collectively referred to as AT&T) filed a supplemental petition for waiver of section 63.16 of the Commission's Rules, 47 C.F.R. § 63.16, to provide ISR switched services via international private lines interconnected to the public switched network at one or both ends, between the United States and Tanzania.¹⁰ The September 16, 2002 original petition sought waiver of section 63.16 regarding routes between the United States and five foreign points: Djibouti, Indonesia, Latvia, Uganda, and

⁶ See *Additional U.S.-International Routes Exempted from the International Settlements Policy*, Public Notice, DA 04-3518 (rel. November 4, 2004).

⁷ See AT&T Petition for Waiver of Section 43.51(e)(3) of the Commission's Rules, 47 C.F.R. § 43.51(e)(3), to remove the ISP on the Specific Routes Between the United States and the Bahamas, Cayman Islands, India, Kazakhstan, Russia, Ukraine, Uzbekistan and Yemen, ISP-WAV-20030414-00011 (filed May 29, 2003).

⁸ See, e.g., *AT&T Supplemental Petition for Waiver of Section 43.51(e)(3) of the Commission's Rules, 47 C.F.R. § 43.51(e)(3), to Remove the International Settlements Policy on the Specific Route Between the United States and India*, Public Notice, DA 03-1904 (rel. June 9, 2003). AT&T asserted that the settlement rate criteria required to seek removal of the ISP from the above-listed routes had been met, as required by section 43.51 of the Commission's rules. However, AT&T sought waiver of the rule for the above-named foreign points due to the difficulty in demonstrating that at least fifty percent of the settled U.S.-billed traffic between the United States and the above-named foreign points is being settled at least twenty-five percent below the relevant benchmark rate applicable to each of these U.S.-international routes. See 1998 Biennial Regulatory Review – Reform of the International Settlements Policy and Associated Filing Requirements, IB Docket Nos. 98-148 and 95-22, CC Docket No. 90-337 (Phase II), Report and Order and Order on Reconsideration, 14 FCC Rcd 7963 (1999).

⁹ See *Additional U.S.-International Routes Exempted from the International Settlements Policy*, Public Notice, DA 04-3518 (rel. November 4, 2004).

¹⁰ See, e.g., *AT&T Supplemental Petition for Waiver of Section 63.16 of the Commission's Rules, 47 C.F.R. § 63.16, to Provide Switched Services via Private Lines Interconnected to the Public Switched Network at One or Both Ends (International Simple Resale) Between the United States and Tanzania in addition to Angola, Benin, Bulgaria, Cameroon, China, Estonia, Gabon, Georgia, Lithuania, Malawi, Malta, Moldova, Mozambique, Namibia, Senegal, and Sri Lanka Djibouti, Latvia, and Uganda*, Public Notice, ISP-WAV-20020917-00031, DA 03-2941 (rel. September 26, 2003). Previously, on January 20, 2003, AT&T had removed the U.S.-Tanzania route from the original petition for waiver filed on September 16, 2002.

Tanzania.¹¹ On March 26, 2003, AT&T filed an additional supplemental petition for waiver of section 63.16 for routes between the United States and sixteen countries: Angola, Benin, Bulgaria, Cameroon, China, Estonia, Gabon, Georgia, Lithuania, Malawi, Malta, Moldova, Mozambique, Namibia, Senegal, and Sri Lanka.¹² The Commission removed the ISR in its ISP Reform Order.¹³ Accordingly, the petition for waiver to provide ISR is now moot.

6. On February 20, 2004, WorldCom, Inc. (MCI) filed a petition for a declaratory ruling pursuant to section 63.16 of the Commission's rules to provide switched services between the United States and Malta via international private lines interconnected with the public switched network at one and/or both ends (ISR).¹⁴ Because the Commission removed ISR in its ISP Reform Order,¹⁵ the petition for declaratory ruling is now moot.

7. On December 11, 2003, AT&T Corp., on behalf of itself, AT&T Alascom, Inc., AT&T of Puerto Rico, Inc. and AT&T of the U.S. Virgin Islands, Inc. (collectively, AT&T) filed a request for waiver of section 63.16 of the Commission's rules, to provide switched services between the United States and Honduras via international private lines interconnected with the public switched network at one or both ends (ISR).¹⁶ The Commission removed ISR in its ISP Reform Order.¹⁷ Accordingly, the petition for declaratory ruling is now moot.

8. On February 27, 2004, AT&T Corp., on behalf of itself, AT&T Alascom, Inc., AT&T of Puerto Rico, Inc. and AT&T of the U.S. Virgin Islands, Inc. (collectively, AT&T) filed a petition for declaratory ruling pursuant to section 43.51(e)(3) of the Commission's rules to add the country of the Bahamas to the list of routes exempt from the ISP.¹⁸ On November 4, 2004, the International Bureau issued a public notice exempting the U.S.-Bahamas route from the ISP.¹⁹ As a result, the petition for waiver is now moot.

¹¹ On January 9, 2003, AT&T removed the U.S.-Indonesia route from the petition.

¹² As in the original petition, AT&T asserted that the criteria for an authorized carrier to request ISR authorization on routes where the destination country is a WTO Member, as required by section 63.16 of the Commission's rules have been met. However, AT&T sought a waiver of the rule for the above-named foreign points because of the difficulty in demonstrating that at least fifty percent of the settled U.S.-billed traffic between the United States and the above-named foreign points is being settled at or below the relevant benchmark rates as established in *In the Matter of International Settlement Rates*, IB Docket 96-261, Report and Order, 12 FCC Rcd 19806 (1997).

¹³ See *ISP Reform Order* at para. 29.

¹⁴ See *Petition for Declaratory Ruling*, ISP-PDR-20040220-00010 (filed February 20, 2004).

¹⁵ See *ISP Reform Order* at para. 29.

¹⁶ See *Petition for Waiver of Section 63.16 of the Commission's Rules, 47 U.S.C. § 63.16, to Provide Switched Services via International Private Lines Interconnected to the Public Switched Network at One or Both Ends between the United States and Honduras*, ISP-PDR-20031211-00026 (filed December 11, 2003).

¹⁷ See *ISP Reform Order* at para. 29.

¹⁸ See *Petition for Declaratory Ruling*, ISP-PDR-20040227-00011 (filed February 27, 2004).

¹⁹ *Additional U.S.-International Routes Exempted from the International Settlements Policy*, Public Notice, DA 04-3518 (rel. November 4, 2004).

III. ORDERING CLAUSES

9. Accordingly, IT IS ORDERED that the petition for waiver of the ISP for a change in the accounting rate for International Message Telephone Services with Telefonos de Mexico S.A. de C.V. on the U.S.-Mexico route submitted by Global Crossing on July 21, 2004, ISP-PDR-20040721-00012, is DISMISSED.

10. IT IS FURTHER ORDERED that the petition and supplemental petition for waiver of section 43.51(e)(3) of the Commission's rules, 47 C.F.R. § 43.51(e)(3), to remove the ISP from the routes between the United States and the Bahamas, Cayman Islands, India, Kazakhstan, Russia, Ukraine, Uzbekistan and Yemen filed by AT&T, ISP-WAV-20030414-00011, are DISMISSED.

11. IT IS FURTHER ORDERED that the petition and supplemental petitions for waiver of section 63.16 of the Commission's rules to provide switched services via private lines interconnected to the public switched network at one or both ends (International Simple Resale) between the United States and Tanzania in addition to Angola, Benin, Bulgaria, Cameroon, China, Estonia, Gabon, Georgia, Lithuania, Malawi, Malta, Moldova, Mozambique, Namibia, Senegal, and Sri Lanka, Djibouti, Latvia, and Uganda filed by AT&T, ISP-WAV-20020917-00031, are DISMISSED.

12. IT IS FURTHER ORDERED that the petition for a declaratory ruling pursuant to section 63.16 of the Commission's rules to provide switched services between the United States and Malta via international private lines interconnected with the public switched network at one and/or both ends (ISR) filed by MCI on February 20, 2004, ISP-PDR-20040220-00010, is DISMISSED.

13. IT IS FURTHER ORDERED that the request for waiver of section 63.16 of the Commission's rules, to provide switched services between the United States and Honduras via international private lines interconnected with the public switched network at one or both ends (ISR) filed by AT&T on December 11, 2003, ISP-PDR-20031211-00026, is DISMISSED.

14. IT IS FURTHER ORDERED that the petition for declaratory ruling pursuant to section 43.51(e)(3) of the Commission's rules to add the country of the Bahamas to the list of routes exempt from the ISP filed by AT&T on February 27, 2004, ISP-PDR-20040227-00011, is DISMISSED.

15. This Order is issued pursuant to sections 1, 2, 4(i), 4(j), 5(c), 201-205, 214 and 303(r) 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 155(c), 201-205, 214 and 303(r), 309 and sections 0.51, 0.261, 1.3 of the Commission's Rules, 47 C.F.R. §§ 0.51, 0.261, 1.3 and is effective upon release. Petitions for reconsideration under 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 C.F.R. section 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

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