



PUBLIC NOTICE

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REQUEST FOR ADDITIONAL INFORMATION REGARDING THE RATE INTEGRATION PLAN FILED BY THE AMERICAN SAMOA TELECOMMUNICATIONS AUTHORITY

CC Docket No. 96-61

Responses Due from ASTCA: February 21, 2006

Comment Date: March 3, 2006

Reply Comment Date: March 10, 2006

In the *1996 Rate Averaging and Rate Integration Report and Order*, the Commission adopted a rate integration rule that required providers of interstate interexchange telecommunications services to provide services to their subscribers in each State at rates no higher than the rates charged to their subscribers in any other State.¹ The Commission determined that this rule should apply to all United States territories and possessions, including those offshore points such as American Samoa. Subsequently, as part of the *1997 Rate Integration Order*, the Common Carrier Bureau found that American Samoa could implement several measures to facilitate the ability of interexchange carriers (IXCs) to integrate their service offerings to American Samoa with their service offerings to the United States and other offshore points.² The Common Carrier Bureau further found that the record was incomplete as to American Samoa's plans to facilitate rate integration. Therefore, the Bureau encouraged American Samoa to file a rate integration plan and temporarily suspended the obligation of IXCs to provide services on an integrated basis to American Samoa, pending resolution of these issues.

¹ *Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as amended*, CC Docket No. 96-61, Report and Order, 11 FCC Rcd 9564 (1996) (*1996 Rate Averaging and Rate Integration Report and Order*), *aff'd on recon.*, 12 FCC Rcd 11812 (1997). The Commission suspended the obligation of wireless carriers to provide services on an integrated basis to American Samoa. See *Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as amended*, CC Docket No. 96-61, Memorandum Opinion and Order, 15 FCC Rcd 21066 (2000).

² *Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as amended*, CC Docket No. 96-91, Memorandum Opinion and Order, 12 FCC Rcd 11548, 11558 (Com. Car. Bur. 1997) (*1997 Rate Integration Order*). Pursuant to a Commission reorganization in March 2002, the Common Carrier Bureau was re-named the Wireline Competition Bureau (Bureau).

On October 1, 1997, the American Samoa Government and the American Samoa Office of Communications (ASOC), the precursor to the American Samoa Telecommunications Authority (ASTCA), jointly filed the *1997 Rate Integration Plan*.³ On May 3, 2004, the ASTCA filed an amendment to the *1997 Rate Integration Plan* submitted by its predecessor, ASOC, and the American Samoa Government.⁴ In the *2004 Amendment*, the ASTCA asserted that it achieved several of the steps outlined in the *1997 Rate Integration Order*, but it did not provide its current rates for the local, long distance, and interstate access services. In response, AT&T and Blue Sky filed comments asserting that ASTCA had not implemented all the measures set forth in the *1997 Rate Integration Order*.⁵

On October 31, 2005, ASTCA further supplemented the record in this proceeding. It states that (1) American Samoa converted fully from an international calling code to a NANP area code as of April 2, 2005; (2) equal access and Feature Group D were fully implemented in ASTCA's local switching office as of September 8, 2005; and (3) American Samoa consumers had an opportunity to participate in two rounds of equal access balloting conducted on June 10, 2005 and August 10, 2005.⁶ ASTCA further states that it offers Feature Group D switched access services at tariffed NECA access rates only to IXC's that choose to establish physical Points of Presence within American Samoa.

Despite ASTCA's recent submission, the record in this proceeding may not reflect all relevant developments since ASTCA filed its initial plan in 1997. For this reason, the Bureau requests that the Government of American Samoa and the ASTCA respond to the attached questions. The refreshed record will enable the Bureau to undertake appropriate consideration of the rate integration plan and related amendments jointly filed by the American Samoa Government, ASOC, and its successor, ASTCA. The Government of American Samoa and ASTCA should submit their responses to the attached questions no later than February 21, 2006. Comments may be filed no later than March 3, 2006. Reply comments may be filed no later than March 10, 2006.

³ See Letter from David L. Sieradzki, Counsel for American Samoa, to William F. Caton, Acting Secretary, FCC (filed October 1, 1997) (*1997 Rate Integration Plan*).

⁴ See Letter from David L. Sieradzki, Counsel for American Samoa, to Marlene H. Dortch, Secretary, FCC (filed May 3, 2004) (*2004 Amendment*); see also *Amendment to Rate Integration Plan Filed By American Samoa Telecommunications Authority*, CC Docket No. 96-61, Public Notice, 19 FCC Rcd 20353 (WCB 2004).

⁵ See Blue Sky Comments at 2-5; AT&T Reply Comments at 5-9.

⁶ See Letter from David L. Sieradzki, Esq., Counsel for ASTCA, to Marlene H. Dortch, Secretary, FCC, (filed Oct. 31, 2005).

As part of its review of the responses and related comments, the Bureau will reconsider its suspension of the IXCs' obligation to provide rate integrated service to American Samoa. If the Bureau determines that American Samoa has presented sufficient evidence to support the approval of its plan, the Bureau will lift the suspension of the rate integration requirement for American Samoa. Thus, by a date certain to be specified in a subsequent order, each IXC serving the territory will be required to submit a plan to integrate its rate offerings to American Samoa. Subsequent annual certifications of compliance with the Commission's rate integration policies will incorporate American Samoa as part of that certification.⁷

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of the proceeding, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number, in this case, CC Docket No. 96-61. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail).

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.
- 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, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

⁷ 47 C.F.R. § 64.1900.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, Room TW-A325, 445 12th Street, SW., Washington, DC 20554. Parties should also send a copy of their filings to Douglas Slotten, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-A233, 445 12th Street, SW., Washington, DC 20554, or by e-mail to Douglas.Slotten@fcc.gov. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

The *1997 Rate Integration Plan* and all related pleadings filed in CC Docket No. 96-61 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, or by e-mail at fcc@bcpiweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules.

For further information, contact Douglas Slotten of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1572, or by e-mail at Douglas.Slotten@fcc.gov.

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