



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 07-233

Released: January 26, 2007

The International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets

By this Public Notice, the International Bureau revises and reissues the Federal Communications Commission's "List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets." The revised list updates changes in the names of dominant carriers on several routes, and also adds St. Maarten to the list of destination markets and SMITCOMS, N.V. as a carrier presumed to possess market power in St. Maarten.¹ The Bureau last reissued the list in 2004.²

The Commission first adopted its list of foreign carriers that are presumed to possess market power in the *1999 ISP Reform Order* proceeding.³ In that proceeding, the Commission modified its rules to remove its requirement that agreements between U.S. telecommunications carriers and

¹ The Commission directed the International Bureau to issue an amended *List of Foreign Telecommunications Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets* to add St. Maarten to the list of destination markets and SMITCOMS, N.V. as a carrier presumed to possess market power in St. Maarten because SMITCOMS failed to demonstrate that its parent, SMITCOMS, N.V., will lack market power in relevant input markets in St. Maarten that are necessary to land, connect and operate the SMPR-1 cable system. *See St. Maarten International Communications Services, Inc. Application for Review of Application for a License to Land and Operate a Fiber Optic Submarine Cable System Between San Juan, Puerto Rico, and St. Maarten, Netherlands Antilles*, Order on Review, 20 FCC Rcd 18732 (2005).

² *See List of Foreign Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Declaratory Ruling, DA 04-1584 19 FCC Rcd 20385 (Int'l Bureau 2004). The Commission has delegated the authority to administer and enforce the policies and rules on international settlements under part 64 of the Commission's rules. 47 C.F.R. § 0.261(a)(8). *See The International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers That Are Presumed to Possess Market Power in Foreign Telecommunications Market*, Public Notice, DA 03-181218 FCC Rcd 11073 (Int'l Bureau 2003); *List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Declaratory Ruling, DA 04-970, 19 FCC Rcd 6331 (Int'l Bureau 2004).

³ *1998 Biennial Regulatory Review – Reform of the International Settlements Policy and Associated Filing Requirements*, IB Docket No. 98-198 and CC Docket No. 90-337, Report and Order and Order on Reconsideration, 14 FCC Rcd 7963 (1999) (*1999 ISP Reform Order*).

foreign carriers that lack market power at the foreign end of the international route conform to the Commission's International Settlements Policy (ISP).⁴ The Commission's rules presume 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; intercity facilities and services; and local access facilities and services on the foreign end.⁵ The Commission created a list of foreign carriers that do not qualify for this presumption as a mechanism to ensure that U.S.-international carriers are precluded from exchanging traffic outside of the ISP with carriers on the list.⁶ In addition, the Commission's rules identified below preclude U.S.-authorized carriers from agreeing to accept special concessions from carriers on the list unless otherwise allowed under the Commission's rules.

The list, as now revised, continues to apply for purposes of implementing the following Commission rules: Sections 1.767(g)(5) (involving the prohibition on cable landing licensees agreeing to accept special concessions);⁷ 43.51(b) (involving reporting contracts and concessions); 63.14 (involving the prohibition on telecommunications carriers agreeing to accept special concessions); 63.23(d) (involving the provision of switched basic services over authorized resold private lines); and 64.1002 (involving the international settlements policy), which the Commission adopted in the *2004 ISP Reform Order*.⁸

⁴ The ISP is a Commission policy established to govern how U.S. carriers negotiate with foreign carriers for the exchange of international traffic. The ISP currently applies when U.S. carriers negotiate the exchange of traffic with foreign carriers that have market power on to those international routes that are not "benchmark" compliant. *International Settlements Policy Reform, International Settlement Rates*, IB Docket Nos. 02-324 and 96-261, First Report and Order, 19 FCC Rcd 5709 (2004) (*2004 ISP Reform Order*); see also "Routes Still Subject to the International Settlements Policy (ISP)" (http://www.fcc.gov/ib/pd/pf/isp_nom_excmpt.html). The ISP is intended to prevent foreign carriers with market power from discriminating or taking other anticompetitive actions against competing U.S. carriers as a strategy to obtain pricing concessions regarding the exchange of international traffic. Specifically, the ISP requires that: (1) all U.S. carriers must be offered the same effective accounting rate and same effective date for the rate ("nondiscrimination"); (2) all U.S. carriers are entitled to a proportionate share of U.S.-inbound, or return traffic based upon their proportion of U.S.-outbound traffic ("proportionate return"); and (3) the accounting rate is divided evenly 50-50 between U.S. and foreign carriers for U.S.-inbound and outbound traffic so that inbound and outbound settlement rates are identical ("symmetrical settlement rates").

⁵ 47 C.F.R. 63.10 (a) (3) and 43.51 note 3. See also *Policies on Foreign Participation in the U.S. Telecommunications Market*, Report and Order and Order on Reconsideration, IB Docket Nos. 97-142 and 95-22, FCC 97-398, 12 FCC Rcd 23891 at 23959, ¶¶ 161 (1997) (*Foreign Participation Order*).

⁶ *1999 ISP Reform Order*, 14 FCC Rcd at 7778-7981, ¶¶ 42-49; see also *List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, 14 FCC Rcd 7038 (1999) (issuing initial list of foreign carriers presumed to possess market power).

⁷ See *Review of Commission Consideration of Applications under the Cable Landing License Act*, IB Docket No. 00-106, 16 FCC Rcd 22167 (2001) (*Submarine Cable Landing License Order*).

⁸ *2004 ISP Reform Order* 19 FCC Rcd at 5735-5736, ¶¶ 55-62.

The revised list is based on publicly available information, compiled from official sources, including the International Telecommunication Union.⁹ The list of “Foreign Carriers with Market Power” does not specifically identify all incumbent local exchange carriers that may operate in the destination markets listed below. However, all incumbent local exchange carriers that may operate in the markets are incorporated by reference on the list.¹⁰

Interested parties may challenge the inclusion or exclusion of any carrier on the list by submitting a petition for declaratory ruling and the appropriate supporting documentation to demonstrate that a carrier included on the list lacks market power or that a carrier not included does not lack market power.

This list applies only for purposes of determining those foreign carriers that are subject to our ISP, our rules on providing switched services over private lines, and the No Special Concessions rules for U.S. international common carriers and cable landing licensees. It does not apply for purposes of market power determination under Sections 63.10 (regulatory classification of U.S. international carriers) or 63.18 (contents of applications for international common carriers). The list below will be posted on the International Bureau’s website at <http://www.fcc.gov/ib>.

<u>Destination Market</u>	<u>Foreign Carriers with Market Power</u>
Afghanistan	Ministry of Communications
Albania	Albtelecom
Algeria	Algeria Telecom
Angola	Angola Telecom
Anguilla	Cable & Wireless (Anguilla) Limited
Antigua and Barbuda	Cable & Wireless (Antigua) Limited
Argentina	Telcom Argentina S.A., Telefónica de Argentina S.A.
Armenia	Armentel
Ascension Island	Cable & Wireless (Ascension Islands)
Australia	Telstra Corporation
Austria	Telekom Austria
Azerbaijan	Aztelecom
Bahamas	Bahamas Telecommunications Corporation (BTC)
Bahrain	Bahrain Telecommunications Company (BATELCO)
Bangladesh	Bangladesh Telegraph & Telephone Board
Barbados	Barbados External Telecommunications Ltd. (BET)
Belarus	Beltelecom
Belgium	Belgacom
Belize	Belize Telecommunications Ltd. (BTL)

⁹ While the Commission’s staff attempts to maintain current information as to the names of carriers on this list, we encourage interested parties to advise the Commission on future name changes that may occur as a result of divestiture of national incumbent operators into regional operators or for other reasons.

¹⁰ See *infra* “Additional carriers included on this list.”

Benin	Office des postes et télécommunications (OPT)
Bermuda	Cable & Wireless Bermuda
Bhutan	Bhutan Telecom
Bolivia	Empresa Nacional de Telecomunicaciones S.A.
Bosnia and Herzegovina	BH Telecom
Botswana	Botswana Telecommunications Corporation (BTC)
Brazil	Embratel
British Virgin Islands	Cable & Wireless (West Indies) Limited
Brunei	Jabatan Telecom Brunei Darussalam (JTB)
Bulgaria	Bulgarian Telecommunications Company (BTC)
Burkina Faso	Office National des Télécommunications (ONATEL)
Burma	Myanmar Posts & Telecommunications
Burundi	Office National des Télécommunications (ONATEL)
Cambodia	Directorate of Posts and Telecommunications (DPTK)
Cameroon	Société des Télécommunications Internationales du Cameroun (INTELCAM)
Canada	Aliant Inc., Bell Canada, Manitoba Telecom Services, SaskTel, Telus Communications
Cape Verde	Cabo Verde Telecom S.A.
Cayman Islands	Cable & Wireless (Cayman Islands) Limited
Central African Rep.	Société Centrafricaine des Télécommunications (SOCATEL)
Chad	Société des Télécommunications Internationales du Tchad (TIT)
Chile	Telefonica Chile
China	China Telecom, China Netcom
Colombia	Empresa Nacional de Telecomunicaciones
Comoros	Société Nationale des Postes et Télécommunications (SNPT)
Congo	Office National des Postes et des Télécommunications (ONPT)
Costa Rica	Instituto Costarricense de Electricidad (ICE)
Côte d'Ivoire	Côte d'Ivoire-TELECOM (CI-TELECOM)
Croatia	Hrvatski Telecom (HT)
Cuba	Empresa Telecomunicaciones de Cuba S.A. (ETECSA)
Cyprus	Cyprus Telecommunications Authority
Czech Rep.	Telefónica O2 Czech Republic
Dem. Rep. of Congo	Office Congolais des Postes et des Télécommunications (OCPT)
Denmark	Tele Danmark A/S
Diego Garcia	Cable & Wireless
Djibouti	Djibouti Telecom
Dominica	Cable & Wireless (Dominica)
Dominican Republic	Verizon Dominicana
Ecuador	Andinatel Pacifictel
Egypt	Egypt Telecom
El Salvador	Compañía de Telecomunicaciones de El Salvador

Equatorial Guinea	La Sociedad Anonima de Telecomunicaciones de la Republica de Guinea (GETESA)
Eritrea	Telecommunications Services of Eritrea (ERITEL)
Estonia	Elion Telephone Company
Ethiopia	Ethiopian Telecommunications Corporation (ETC)
Falkland Islands	Cable & Wireless Falkland Islands
Fiji	Cable & Wireless Fiji
Finland	TeliaSonera
France	France Telecom
Gabon	Gabon Telecom
Gambia	Gambia Telecommunications Company, Ltd. (GAMTEL)
Georgia	Sakartvelos Telekom (Telecom Georgia)
Germany	Deutsche Telekom
Ghana	Ghana Telecommunications Company
Greece	Hellenic Telecommunications Organization (OTE)
Grenada	Cable & Wireless (Grenada)
Guatemala	Telecomunicaciones de Guatemala (Telgua)
Guernsey	Cable & Wireless Guernsey Ltd
Guinea	Société des Télécommunications de Guinée (SOTELGUI)
Guinea-Bissau	Companhia de Telecomunicações da Guiné-Bissau, sarl (Guiné-Telecom)
Guyana	Guyana Telephone and Telegraph Ltd.
Haiti	HaiTel
Holy See (Vatican City)	Telecom Italia
Honduras	Empresa Hondureña de Telecomunicaciones (HONDUTEL)
Hong Kong	Pacific Century CyberWorks HKT
Hungary	Magyar Telekom
Iceland	Siminn (Iceland Telecom)
India	Videsh Sanchar Nigam Limited (VSNL)
Indonesia	PT Indosat
Iran	Telecommunications Company of Iran
Iraq	Ministry of Telecommunications
Ireland	eircom
Israel	Bezeq
Italy	Telecom Italia
Jamaica	Cable & Wireless Jamaica
Japan	KDDI Nippon Telegraph & Telephone Corporation (NTT)
Jordan	Jordan Telecommunications Corporation (JTC)
Kazakhstan	Kazakhtelecom
Kenya	Telkom Kenya Limited
Kiribati	Telecom Services Kiribati Limited
Korea (South)	Korea Telecom
Korea (North)	Pycompute Pyongyang

Kuwait	Ministry of Communications
Kyrgyzstan	Kyrgyztelecom
Laos	Lao Telecom Company
Latvia	Lattelekom
Lebanon	Ministry of Posts and Telecommunications
Lesotho	Lesotho Telecommunications Corporation (LTC)
Liberia	Liberia Telecommunications Corporation
Libya	General Post and Telecommunications Company (GPTC)
Liechtenstein	Liechtenstein TeleNet
Lithuania	Lithuanian Telekom
Luxembourg	Luxembourg PTT
Macau	CTM
Macedonia	Makedonski Telecom (MT)
Madagascar	Telecom Malagasy (TELMA)
Malawi	Malawi Telecommunications Limited
Malaysia	Telecom Malaysia
Maldives	DHIRAAGU
Mali	Société des Télécommunications du Mali (SOTELMA)
Malta	Maltacom
Marshall Islands	National Telecommunications Authority
Mauritania	Mauritel
Mauritius	Mauritius Telecom Limited
Mayotte	France Telecom
Mexico	Telefonos de Mexico (TelMex)
Micronesia	FSM Telecommunications
Moldova	Moldtelecom
Monaco	France Telecom
Mongolia	Mongolia Telecommunications Company
Monserrat	Cable & Wireless (West Indies) Limited
Morocco	Maroc Telecom
Mozambique	Telecomunicações de Moçambique
Namibia	Telecom Namibia
Nauru	Nauru Telcom
Nepal	Nepal Telecommunications Corporation
Netherlands	KPN Telecom N.V.
Netherlands Antilles	Antelecom N.V.
New Zealand	Telecom Corporation of New Zealand Ltd. (TCNZ)
Nicaragua	Enitel
Niger	Société nigérinne des télécommunications (SONITEL)
Nigeria	Nigerian Telecommunications Limited
Norway	Telenor
Oman	General Telecommunications Organization (GTO)
Pakistan	Pakistan Telecommunications
Palau	Palau National Communications Corporation (PNCC)
Palestine	Palestine Telecommunications Company P.L.C. (PALTEL)

Panama	Cable & Wireless Panama
Papua New Guinea	Post & Telecommunications Corporation
Paraguay	COPACO
Peru	Telefónica del Peru
Philippines	Philippines Long Distance Telephone Company (PLDT)
Poland	Telekomunikacja Polska S.A.
Portugal	Portugal Telecom
Qatar	Qatar Public Telecommunications Corporation
Réunion	France Telecom
Romania	Romtelecom
Russia	Syazinvest
Rwanda	Rwandatel S.A. (RWANDATEL)
St. Helena	Cable & Wireless (St. Helena)
St. Kitts and Nevis	Cable & Wireless
St. Lucia	Cable & Wireless (St. Lucia)
St. Maarten	Sint Maarten International Telecommunications Services Limited (SMITCOMS, N.V.)
St. Vincent and the Grenadines	Cable & Wireless (St. Vincent and the Grenadines)
Sakhalin	Sakhalin Telecom Limited
San Marino	Telecom Italia
Sao Tomé & Príncipe	Companhia Santomense de Telecomunicações, s.a.r.l. (CST)
Saudi Arabia	Saudi Telecommunications Company
Senegal	Société Nationale des Télécommunications du Sénégal (SONATEL)
Serbia and Montenegro	Serbija Telecom
Seychelles	Cable & Wireless (Seychelles) Ltd.
Sierra Leone	Sierra Leone Telecommunications Company (SIERRATEL)
Singapore	Singapore Telecom
Slovakia	Slovak Telecom (ST)
Slovenia	Telekom Slovenije (TS)
Solomon Islands	Solomon Telekom Company
Somalia	Ministry of Posts and Telecommunications (Somtel)
South Africa	Telkom SA Limited
Spain	Telefónica
Sri Lanka	Sri Lanka Telecom
Sudan	Sudan Telecommunications Company Ltd. (Sudatel)
Suriname	Telesur
Swaziland	Swaziland Posts and Telecommunications Corporation (SPTC)
Sweden	TeliaSonera
Switzerland	Swisscomm
Syria	Syrian Telecommunications Establishment (STE)
Taiwan	Chunghwa Telecom
Tajikistan	Tajiktelecom
Tanzania	Tanzania Telecommunications Corporation Limited (TTCL)
Thailand	Communications Authority of Thailand (CAT)

Togo	Société des Télécommunications du Togo (TOGO TELECOM)
Trinidad and Tobago	Telecommunications Services of Trinidad and Tobago (TSTT)
Tunisia	Tunisie Telecom
Turks and Caicos	Cable & Wireless (Turks and Caicos) Limited
Turkey	Turk Telekomunikasyon
Turkmenistan	Turkmentelecom
Tuvalu	Ministry of Labor, Works and Communications
Uganda	Uganda Telecommunications Limited (UTL)
Ukraine	Ukrtelecom
United Arab Emirates	The Emirates Telecommunications Corp. Ltd. (Etisalat)
United Kingdom	British Telecom
Uruguay	Administración Nacional de Telecomunicaciones (ANTEL)
Uzbekistan	Uzbektelecom
Vanuatu	Vanuatu Telecom
Venezuela	Compañía Anónima Nacional Teléfonos de Venezuela (CANTV)
Vietnam	Viet Nam Post and Telecommunications Corporation (VNPT)
Western Samoa	Postal and Telecommunications Department
Yemen	Yemen International Telecommunications Company (TELEYEMEN)
Zambia	Zambia Telecommunications Company Limited (Zamtel)
Zimbabwe	Posts and Telecommunications Corporation (PTC)

Additional carriers included on this list:

All incumbent local exchange carriers in the destination markets above.

All carriers that control, are controlled by, or are under common control with, a carrier listed above in the particular destination market.

For additional information, please contact David Strickland or Mark Uretsky, Policy Division, International Bureau, (202) 418-1460.

-FCC-