



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 15-1354  
November 24, 2015

## International Bureau Seeks Comment on Removing Cuba from the Exclusion List

IB Docket No. 15-289

**Comments Due: December 4, 2015**

**Replies Due: December 9, 2015**

In this Public Notice, we seek comment on removing Cuba from the Commission's "Exclusion List for International Section 214 Authorizations" (Exclusion List).<sup>1</sup> The Exclusion List identifies particular facilities and/or countries that are not included in a global facilities-based Section 214 application, and, therefore, require a separate international Section 214 authorization. Cuba is the only country currently remaining on the Exclusion List. For countries on the Exclusion List, we process the separate applications for such Section 214 authorizations on a non-streamlined basis, coordinating with the U.S. Department of State (State Department) pursuant to the State Department's policy guidance.<sup>2</sup> We propose to remove Cuba from the Exclusion List based on the State Department Letter announcing certain changes to its policy guidance and requesting that the Commission remove Cuba from the Exclusion List.<sup>3</sup> We seek comment on this proposal, and, in doing so, we follow the procedures regularly used to remove a country from the Exclusion List.<sup>4</sup>

<sup>1</sup> See *Streamlining the International Section 214 Authorization Process and Tariff Requirements – Exclusion List*, IB Docket No. 95-118, Order, DA 96-1205, 3 P&F 1233 (Telecom Div., IB 1996) citing *FCC to Accept Applications for Service to Cuba*, Public Notice, Report No. I-6831 (July 27, 1993).

<sup>2</sup> The International Bureau initially included Cuba on the list pursuant to 1993 policy guidance from the State Department, which set out specific requirements for providing facilities-based service to Cuba. *Id.* On January 21, 2010, based on revised policy guidance from the State Department, the International Bureau announced that it would continue to identify Cuba on the Exclusion List. *Modification of Process to Accept Applications for Service to Cuba and Related Matters*, 25 FCC Rcd 416 (IB 2010) attaching Letter from Ambassador Philip L. Verveer, U.S. Coordinator for International Communications and Information Policy, U.S. Department of State, to Julius Genachowski, FCC Chairman, dated January 12, 2010.

<sup>3</sup> In a letter to the Commission dated October 26, 2015, the State Department requested that the Commission remove Cuba from the Exclusion List (State Department Letter). On November 9, 2015, the International Bureau issued a Public Notice stating that it would begin the process requested in the State Department Letter. *Modification of Process Regarding the Licensing of Telecommunications Services Between the United States and Cuba*, Public Notice, DA 15-1274 (IB Nov. 9, 2015), attaching Letter from Ambassador Daniel A. Sepulveda, U.S. Coordinator for International Communications and Information Policy, U.S. Department of State, to Thomas Wheeler, FCC Chairman, dated October 26, 2015. Today's Public Notice begins that process.

<sup>4</sup> *Streamlining the International Section 214 Authorization Process and Tariff Requirements*, IB Docket No. 95-118, Report and Order, 11 FCC Rcd 12884, 12893, ¶ 18 (1996) (*1996 Streamlining Order*) ("For situations where the public interest requires us to amend the exclusion list either to remove or impose restrictions on services to a

If Cuba is removed from the Exclusion List, U.S. international carriers would no longer be required to request specific authority to provide facilities-based telecommunications services from the United States to Cuba.<sup>5</sup> Instead, the U.S.-Cuba route would be included in a global facilities-based Section 214 authorization along with all other countries,<sup>6</sup> and carriers with existing global Section 214 authorizations would not need to take any further action, or seek additional authority, to begin providing telecommunications services from the United States to Cuba.

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 4, 2015** and reply comments on or before **December 9, 2015**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers 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. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes 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, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.
- People with Disabilities: To request materials in accessible formats for people with disabilities

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particular country or use of specific facilities previously permitted under an existing Section 214 authorization, we will first issue a public notice giving affected parties opportunity for comment and hearing on the proposed changes. We will then release an order amending the exclusion list.”).

<sup>5</sup> In the *1996 Streamlining Order*, the Commission adopted rules for carriers to apply for and receive a global facilities-based Section 214 authorization, which allows carriers to provide international services using any U.S.-licensed facilities to any foreign country without filing a separate Section 214 application for each new facility or country. *Id.* at 12888, ¶ 9 (“Such global authorizations will enable carriers to enter new markets rapidly and use new facilities without the delays and costs associated with filing separate Section 214 applications for each new market or facility.”). See also 47 C.F.R. § 63.18(e)(1). It also required the International Bureau to maintain an Exclusion List identifying particular facilities and/or particular countries that are not included in a global facilities-based Section 214 authorization, and, therefore, require a separate Section 214 authorization. *Id.* at 12892, ¶ 17; see also 47 C.F.R. § 63.18(e)(3). The removal of Cuba from the Exclusion List would mean that facilities-based carriers would not require a separate grant under 47 C.F.R. § 63.18(e)(3).

<sup>6</sup> 47 C.F.R. §§ 63.12, 63.18(e)(1).

(braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

In addition, provide one copy of each filing to each of the following: (1) David Krech, International Bureau, Policy Division, [David.Krech@fcc.gov](mailto:David.Krech@fcc.gov); (2) Jodi Cooper, International Bureau, Policy Division, [Jodi.Cooper@fcc.gov](mailto:Jodi.Cooper@fcc.gov).

This is a “permit-but-disclose” proceeding, subject to the Commission’s *ex parte* rules.<sup>7</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 C.F.R. § 1.1206(b).

For further information, please contact David Krech, (202) 418-7443 or Jodi Cooper, 202-418-2064.

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<sup>7</sup> 47 C.F.R. §§ 1.1200 *et seq.*