



April 19, 2006

VIA FIRST-CLASS MAIL

Ron Jones, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Re: Docket No. 06-00038: Order Approving Transfer of Authority
of Birch Telecom of the South, Inc., Debtor-in-Possession

Dear Mr. Jones:

As requested in the above referenced Order dated April 19, 2006, Birch Telecom of the South, Inc. ("Birch South") hereby files with the Authority copies of the FCC domestic and international 214 approvals. We previously notified you on April 17, 2006 of the closing of the Chapter 11 process.

Should you have any questions regarding this notification, please contact the undersigned at 816-300-3000.

Respectfully submitted,

Chris Bunce
Assistant General Counsel
Birch Telecom of the South, Inc.

Encl.

Received
RON JONES

APR 25 2006

TN Regulatory Authority



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 06-846
April 13, 2006

DOMESTIC AUTHORIZATION GRANTED

Application for Transfer of Control of Birch Telecom, Inc., Debtor-in-Possession, to the Shareholders of the Newly Reorganized Birch Telecom

WC Docket No. 06-45

By the Chief, Wireline Competition Bureau:

On February 17, 2006, Birch Telecom, Inc., Debtor-in-Possession ("Birch DIP") and the shareholders of the newly reorganized Birch Telecom (together "Applicants"), filed an application pursuant to sections 63.03 and 63.04 of the Commission's rules¹ requesting authority to transfer control of the domestic section 214 authorizations held by certain subsidiaries of Birch DIP from Birch DIP to the shareholders ("New Birch Shareholders") of the newly reorganized Birch Telecom ("New Birch") pursuant to a Third Amended Joint Reorganization Plan proposed by Birch DIP.²

The Commission released a public notice accepting this application for streamlined processing on February 27, 2006. On March 13, 2006, the Department of Justice, including the Federal Bureau of Investigation, with the concurrence of the Department of Homeland Security (collectively, the "Executive Branch Agencies") filed with the Commission a letter requesting that the Commission defer grant of this application while the Executive Branch Agencies address potential national security, law enforcement, and public safety issues.³ On April 10, 2006, the Executive Branch Agencies withdrew their March 13, 2006 request to defer action on the application noting that they have no objection to the application.⁴

¹ 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

² On April 6, 2006, Birch DIP and its subsidiaries filed a supplement to the application.

³ *See* Letter from Laura H. Parsky, Deputy Assistant Attorney General, United States Department of Justice Criminal Division, to Marlene H. Dortch, FCC, WC Docket No. 06-45 and ITC-ASG-20060221-00111, ITC-ASG-20060221-00112, ITC-ASG-20060221-00113, ITC-ASG-20060221-00114, ITC-ASG-20060221-00115, and ITC-ASG-20060221-00116 (dated March 13, 2006).

⁴ *See* Letter from Laura H. Parsky, Deputy Assistant Attorney General, United States Department of Justice Criminal Division, to Marlene H. Dortch, FCC, WC Docket No. 06-45 and ITC-ASG-20060221-00111, ITC-ASG-

The Wireline Competition Bureau finds, upon consideration of the record, that grant of the application will serve the public interest, convenience, and necessity. Upon consummation of the transaction, New Birch will have a market share in the interstate, interexchange market of less than 10 percent, and will provide competitive telephone exchange services or exchange access services exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the transaction. In addition, the Applicants and their affiliates are not dominant with respect to any service.

Consistent with Commission precedent, the Bureau accords the appropriate level of deference to the Executive Branch Agencies' expertise on national security and law enforcement issues.⁵ Therefore, pursuant to section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 0.291 of the Commission's rules,⁶ the Wireline Competition Bureau hereby grants the application discussed in this Public Notice.

Pursuant to section 1.103 of the Commission's rules, the grant is effective upon release of this Public Notice.⁷ Petitions for reconsideration under section 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 this Public Notice.⁸

For further information, please contact Adam Kirschenbaum at (202) 418-7280.

– FCC –

20060221-00112, ITC-ASG-20060221-00113, ITC-ASG-20060221-00114, ITC-ASG-20060221-00115, and ITC-ASG-20060221-00116 (dated April 10, 2006).

⁵ The Commission considers national security, law enforcement, foreign policy, and trade policy concerns when analyzing a transfer of control or assignment application in which foreign ownership is an issue. *See Amendment of the Commission's Regulatory Policies to Allow Non-U S Licensed Satellites Providing Domestic and International Service in the United States*, Report and Order, 12 FCC Rcd 24094, 24170-72, paras. 178-82 (1997); *Rules and Policies on Foreign Participation in the U S Telecommunications Market*, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23919-21, paras. 61-66 (1997) ("*Foreign Participation Order*"), Order on Reconsideration, 15 FCC Rcd 18158 (2000). In assessing the public interest, the Commission considers the record and accords the appropriate level of deference to Executive Branch expertise on national security and law enforcement issues. *See Foreign Participation Order*, 12 FCC Rcd at 23919-21, paras. 61-66.

⁶ 47 C.F.R. § 0.291.

⁷ *See* 47 C.F.R. § 1.103.

⁸ *See* 47 C.F.R. §§ 1.106, 1.115.



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA No. 06-842

Report No. TEL-01016

Thursday April 13, 2006

INTERNATIONAL AUTHORIZATIONS GRANTED

Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) Requests

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the 25 percent foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b)(4).

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

An updated version of Sections 63.09-.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>.

ITC-214-20051031-00443 E

Intelsat USA License Corp

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority

Date of Action. 04/11/2006

Application for authority to provide facilities-based and resale services pursuant to Section 63.18(e)(1) and (e)(2) of the rules between the U.S. and permissible international points. Applicant does not seek authorization to provide common carrier switched services. The present application seeks to replace Applicant's multiple international Section 214 authorizations with a single authorization providing global authority, with the exception of those involving service between the U.S. and Cuba. Applicant agrees to regulation as a dominant international carrier on "thin routes" in its provision of capacity for switched-voice and private line services, subject to the alternative rate regulation set out in the Comsat Alternative Rate Regulation Order.

We grant the Petition to Adopt Conditions to Authorizations and Licenses (Petition) filed in this proceeding on April 11, 2006, by the U.S. Department of Justice, including the Federal Bureau of Investigation, together with the U.S. Department of Homeland Security and the U.S. Department of Defense. Accordingly, we condition grant of this application on Intelsat Holdings Ltd. abiding by the commitments and undertakings contained in its December 5, 2005, letter to Laura H. Parsky, Stewart A. Baker, and Elaine N. Lammert (December 5 Commitment Letter). The Petition and the December 5 Commitment Letter are publicly available in the record of this proceeding and may be viewed at <http://svartifoss2.fcc.gov/cgi-bin/ws.exe/prod/ib/forms/reports/swr030b.htm?set=> by clicking the file number and then the "attachment menu" from the Document Viewing area. This authorization is without prejudice to the Commission's action on any other related pending application(s).

ITC-214-20060320-00162 E San Isabel Telecom, Inc
International Telecommunications Certificate
Service(s): Global or Limited Global Resale Service
Grant of Authority Date of Action 04/07/2006

Application for authority to provide service in accordance with Section 63 18(e)(2) of the rules

ITC-214-20060321-00165 E GtelOne Corporation
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action 04/07/2006

Application for authority to provide facilities-based service in accordance with Section 63 18(e)(1) of the rules, and also to provide service in accordance with Section 63 18(e)(2) of the rules

ITC-214-20060321-00166 E Geo Telecom, Inc
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action 04/07/2006

Application for authority to provide facilities-based service in accordance with Section 63.18(c)(1) of the rules, and also to provide service in accordance with Section 63 18(e)(2) of the rules

ITC-214-20060322-00164 E CommGuide International, Inc
International Telecommunications Certificate
Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service
Grant of Authority Date of Action 04/07/2006

Application for authority to provide facilities-based service in accordance with Section 63 18(e)(1) of the rules, and also to provide service in accordance with Section 63 18(e)(2) of the rules

 ITC-ASG-20060221-00111 E Birch Telecom of Missouri, Inc
Assignment
Grant of Authority Date of Action 04/10/2006

Current Licensee: Birch Telecom of Missouri, Inc , Debtor-in-Possession

FROM: Birch Telecom of Missouri, Inc , Debtor-in-Possession

TO: Birch Telecom of Missouri, Inc

Application for consent to assign international section 214 authorization, ITC-214-19990701-00441, held by Birch Telecom of Missouri, Inc Debtor-in-Possession, to Birch Telecom of Missouri, Inc Birch Telecom Inc , and all of its subsidiaries, including Birch Telecom of Missouri, Inc , filed voluntary petitions for bankruptcy protection under Chapter 11 of the U.S Bankruptcy Code in the bankruptcy court for the District of Delaware on August 12, 2005. In re Birch Telecom, Inc , Chap. 11, Case No. 05-12237 (Bankr. Del.). Pursuant to the Third Amended Joint Reorganization Plan confirmed by the bankruptcy court by order dated March 30, 2006, all of Birch Telecom Debtor-in-Possession's (Birch DIP) outstanding indebtedness will be extinguished and certain of Birch DIP's creditors will receive equity in the reorganized Birch Telecom Inc. (New Birch) While no single shareholder will control New Birch, the following entities will have 10% or greater ownership interest: UBS Willow Fund LLC, U.S limited liability company, will hold 29.4% interest, Strategic Value Master Fund Ltd , Cayman Islands limited company, will hold 26.2% interest, and Banc of America Strategic Solutions, Inc , U.S corporation, will hold 10.3% interest Once Birch DIP emerges from bankruptcy all of its subsidiaries, including Birch Telecom of Missouri, Inc. Debtor-in-Possession, will no longer be in debtor-in-possession status This authorization is without prejudice to the Commission's action on any other related pending application(s)



ITC-ASG-20060221-00112 E

Birch Telecom of Oklahoma, Inc

Assignment

Grant of Authority

Date of Action 04/10/2006

Current Licensee: Birch Telecom of Oklahoma, Inc , Debtor-in-Possession

FROM: Birch Telecom of Oklahoma, Inc , Debtor-in-Possession

TO: Birch Telecom of Oklahoma, Inc

Application for consent to assign international section 214 authorization, ITC-214-20010418-00248, held by Birch Telecom of Oklahoma, Inc Debtor-in-Possession, to Birch Telecom of Oklahoma, Inc Birch Telecom Inc., and all of its subsidiaries, including Birch Telecom of Oklahoma, Inc , filed voluntary petitions for bankruptcy protection under Chapter 11 of the U S Bankruptcy Code in the bankruptcy court for the District of Delaware on August 12, 2005 In re Birch Telecom, Inc , Chap 11, Case No 05-12237 (Bankr Del) Pursuant to the Third Amended Joint Reorganization Plan confirmed by the bankruptcy court by order dated March 30, 2006, all of Birch Telecom Debtor-in-Possession's (Birch DIP) outstanding indebtedness will be extinguished and certain of Birch DIP's creditors will receive equity in the reorganized Birch Telecom Inc (New Birch) While no single shareholder will control New Birch, the following entities will have 10% or greater ownership interest UBS Willow Fund LLC, U S limited liability company, will hold 29 4% interest, Strategic Value Master Fund Ltd , Cayman Islands limited company, will hold 26 2% interest, and Banc of America Strategic Solutions, Inc , U S corporation, will hold 10 3% interest Once Birch DIP emerges from bankruptcy all of its subsidiaries, including Birch Telecom of Oklahoma, Inc Debtor-in-Possession, will no longer be in debtor-in-possession status This authorization is without prejudice to the Commission's action on any other related pending application(s)



ITC-ASG-20060221-00113 E

Ionex Communications, Inc

Assignment

Grant of Authority

Date of Action. 04/10/2006

Current Licensee: Ionex Communications, Inc , Debtor-in-Possession

FROM: Ionex Communications, Inc Debtor-in-Possession

TO: Ionex Communications, Inc

Application for consent to assign international section 214 authorization, ITC-214-19980312-00187, held by Ionex Communications, Inc Debtor-in-Possession, to Ionex Communications, Inc Birch Telecom Inc , and all of its subsidiaries, including Ionex Communications, Inc , filed voluntary petitions for bankruptcy protection under Chapter 11 of the U S Bankruptcy Code in the bankruptcy court for the District of Delaware on August 12, 2005 In re Birch Telecom, Inc , Chap 11, Case No 05-12237 (Bankr Del) Pursuant to the Third Amended Joint Reorganization Plan confirmed by the bankruptcy court by order dated March 30, 2006, all of Birch Telecom Debtor-in-Possession's (Birch DIP) outstanding indebtedness will be extinguished and certain of Birch DIP's creditors will receive equity in the reorganized Birch Telecom Inc (New Birch) While no single shareholder will control New Birch, the following entities will have 10% or greater ownership interest. UBS Willow Fund LLC, U S limited liability company, will hold 29 4% interest, Strategic Value Master Fund Ltd , Cayman Islands limited company, will hold 26 2% interest; and Banc of America Strategic Solutions, Inc , U S corporation, will hold 10 3% interest Once Birch DIP emerges from bankruptcy all of its subsidiaries, including Ionex Communications, Inc Debtor-in-Possession, will no longer be in debtor-in-possession status This authorization is without prejudice to the Commission's action on any other related pending application(s).



ITC-ASG-20060221-00114 E

Ionex Communications North, Inc

Assignment

Grant of Authority

Date of Action. 04/10/2006

Current Licensee: Ionex Communications North, Inc , Debtor-in-Possession

FROM: Ionex Communications North, Inc Debtor-in-Possession

TO: Ionex Communications North, Inc

Application for consent to assign international section 214 authorization, ITC-214-19980211-00098, held by Ionex Communications North, Inc Debtor-in-Possession, to Ionex Communications North, Inc. Birch Telecom Inc., and all of its subsidiaries, including Ionex Communications North, Inc , filed voluntary petitions for bankruptcy protection under Chapter 11 of the U S Bankruptcy Code in the bankruptcy court for the District of Delaware on August 12, 2005 In re Birch Telecom, Inc , Chap 11, Case No 05-12237 (Bankr. Del) Pursuant to the Third Amended Joint Reorganization Plan confirmed by the bankruptcy court by order dated March 30, 2006, all of Birch Telecom Debtor-in-Possession's (Birch DIP) outstanding indebtedness will be extinguished and certain of Birch DIP's creditors will receive equity in the reorganized Birch Telecom Inc (New Birch) While no single shareholder will control New Birch, the following entities will have 10% or greater ownership interest UBS Willow Fund LLC, U S limited liability company, will hold 29 4% interest, Strategic Value Master Fund Ltd , Cayman Islands limited company, will hold 26 2% interest, and Banc of America Strategic Solutions, Inc , U S corporation, will hold 10 3% interest Once Birch DIP emerges from bankruptcy all of its subsidiaries, including Ionex Communications North, Inc Debtor-in-Possession, will no longer be in debtor-in-possession status This authorization is without prejudice to the Commission's action on any other related pending application(s)



ITC-ASG-20060221-00115 E

Ionex Communications South, Inc

Assignment

Grant of Authority

Date of Action 04/10/2006

Current Licensee: Ionex Communications South, Inc , Debtor-in-Possession

FROM: Ionex Communications South, Inc Debtor-in-Possession

TO: Ionex Communications South, Inc

Application for consent to assign international section 214 authorization, ITC-214-19980317-00192, held by Ionex Communications South, Inc Debtor-in-Possession, to Ionex Communications South, Inc Birch Telecom Inc , and all of its subsidiaries, including Ionex Communications South, Inc , filed voluntary petitions for bankruptcy protection under Chapter 11 of the U S Bankruptcy Code in the bankruptcy court for the District of Delaware on August 12, 2005 In re Birch Telecom, Inc., Chap 11, Case No 05-12237 (Bankr Del) Pursuant to the Third Amended Joint Reorganization Plan confirmed by the bankruptcy court by order dated March 30, 2006, all of Birch Telecom Debtor-in-Possession's (Birch DIP) outstanding indebtedness will be extinguished and certain of Birch DIP's creditors will receive equity in the reorganized Birch Telecom Inc (New Birch) While no single shareholder will control New Birch, the following entities will have 10% or greater ownership interest UBS Willow Fund LLC, U S limited liability company, will hold 29 4% interest, Strategic Value Master Fund Ltd., Cayman Islands limited company, will hold 26 2% interest; and Banc of America Strategic Solutions, Inc., U S corporation, will hold 10 3% interest. Once Birch DIP emerges from bankruptcy all of its subsidiaries, including Ionex Communications South, Inc Debtor-in-Possession, will no longer be in debtor-in-possession status This authorization is without prejudice to the Commission's action on any other related pending application(s)



ITC-ASG-20060221-00116 E

Telecom Resources, Inc

Assignment

Grant of Authority

Date of Action 04/10/2006

Current Licensee: Telecom Resources, Inc , Debtor-in-Possession

FROM: Telecom Resources, Inc. Debtor-in-Possession

TO: Telecom Resources, Inc

Application for consent to assign international section 214 authorization, ITC-214-19980330-00209, held by Telecom Resources, Inc Debtor-in-Possession, to Telecom Resources, Inc Birch Telecom Inc , and all of its subsidiaries, including Telecom Resources, Inc , filed voluntary petitions for bankruptcy protection under Chapter 11 of the U S Bankruptcy Code in the bankruptcy court for the District of Delaware on August 12, 2005 In re Birch Telecom, Inc , Chap 11, Case No 05-12237 (Bankr. Del.). Pursuant to the Third Amended Joint Reorganization Plan confirmed by the bankruptcy court by order dated March 30, 2006, all of Birch Telecom Debtor-in-Possession's (Birch DIP) outstanding indebtedness will be extinguished and certain of Birch DIP's creditors will receive equity in the reorganized Birch Telecom Inc. (New Birch) While no single shareholder will control New Birch, the following entities will have 10% or greater ownership interest UBS Willow Fund LLC, U S limited liability company, will hold 29 4% interest, Strategic Value Master Fund Ltd., Cayman Islands limited company, will hold 26 2% interest, and Banc of America Strategic Solutions, Inc , U S corporation, will hold 10 3% interest Once Birch DIP emerges from bankruptcy all of its subsidiaries, including Telecom Resources, Inc Debtor-in-Possession, will no longer be in debtors-in-possession status. This authorization is without prejudice to the Commission's action on any other related pending application(s)

ITC-ASG-20060308-00141 E

Belgravia Telecommunications Company, LLC d/b/a Belphone

Assignment

Grant of Authority

Date of Action 04/12/2006

Current Licensee: Belgravia Carrier Communications, LLC

FROM: Belgravia Carrier Communications, LLC

TO: Belgravia Telecommunications Company, LLC d/b/a Belphone

Notification filed March 8, 2006, of the pro forma assignment of international section 214 authorization, ITC-214-20051111-00463, held by Belgravia Carrier Communications, LLC ("BCC") to Belgravia Telecommunications Company, LLC d/b/a Belphone ("Belphone") effective March 1, 2006 BCC is a wholly-owned subsidiary of Belphone Pursuant to the business plans underlying the assignment, Belphone will operate as the licensed telecommunications reseller. Belphone is wholly owned by R.J. and Gloria Brandes as trustees of The Brandes Trust.

ITC-ASG-20060331-00179 E

Skyport International, Inc

Assignment

Grant of Authority

Date of Action 04/12/2006

Current Licensee: Skyport International, Inc Debtor-in-Possession

FROM: SkyPort International, Inc , Debtor-in-Possession

TO: Skyport International, Inc.

Notification filed March 31, 2006, of the pro forma assignment of international Section 214 authorization, ITC-214-19990211-00083, held by SkyPort International, Inc., Debtor-in-Possession (SkyPort DIP) to SkyPort International, Inc. (SkyPort), effective March 30, 2006. On November 21, 2005, SkyPort filed for Chapter 11 bankruptcy protection. As a result, its international section 214 authorization was assigned on a pro forma basis to Skyport as a debtor-in-possession (see ITC-ASG-20051220-00512, Public Notice, Report No TEL-00985, DA 06-84, rel Jan 19, 2006) As of February 15, 2006, SkyPort DIP secured debt financing and filed a motion to dismiss its bankruptcy case, which the court granted on March 30, 2006

INFORMATIVE

ITC-214-19980212-00103

KT America, Inc

On March 24, 2006, Applicant notified the commission that it changed its name from Korea Telecom America, Inc to KT America, Inc effective immediately (Formerly ITC-98-160)

ITC-214-19980212-00104

KT America, Inc.

On March 24, 2006, Applicant notified the commission that it changed its name from Korea Telecom America, Inc to KT America, Inc effective immediately (Formerly ITC-98-159)

ITC-214-20060309-00144

CCO Fiberlink, LLC

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is attached to this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by streamlined grant or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://www.fcc.gov/ib/td/pf/exclusionlist.html>. It also will be attached to each Public Notice that grants international Section 214 authority.

(2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.

(3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules. The Commission recently amended Section 63.11 of the rules in its Order on Reconsideration in IB Docket No. 97-142, 15 FCC Rcd 18158 (2000).

(4) Carriers shall comply with the Commission's International Settlements Policy and associated filing requirements contained in Sections 43.51 and 64.1001 of the Commission's Rules, 47 C.F.R. §§ 43.51, 64.1001. The Commission modified these requirements most recently in 2000 Biennial Regulatory Review, Policy and Rules Concerning the International, Interexchange Marketplace, FCC 01-93, released, March 20, 2001, 66 Fed. Reg. 16874 (Mar. 28, 2001). See also 1998 Biennial Regulatory Review - Reform of the International Settlements Policy and Associated Filing Requirements, IB Docket Nos. 98-148, 95-22, CC Docket No. 90-337 (Phase II), FCC 99-73 (rel. May 6, 1999). In addition, any carrier interconnecting private lines to the U.S. public switched network at its switch, including any switch in which the carrier obtains capacity either through lease or otherwise, shall file annually with the Chief, International Bureau, a certified statement containing, on a country-specific basis, the number and type (e.g., 64 kbps circuits) of private lines interconnected in such manner. The Commission will treat the country of origin information as confidential. Carriers need not file their contracts for interconnection unless the Commission specifically requests. Carriers shall file their annual report on February 1 (covering international private lines interconnected during the preceding January 1 to December 31 period) of each year. International private lines to countries for which the Commission has authorized the provision of switched basic services over private lines at any time during a particular reporting period are exempt from this requirement. See 47 C.F.R. § 43.51(d).

(5) Carriers authorized to provide private line service either on a facilities or resale basis are limited to the provision of such private line service only between the United States and those foreign points covered by their referenced applications for Section 214 authority. In addition, the carriers may not -- and their tariffs must state that their customers may not -- connect their private lines to the public switched network at either the U.S. or foreign end, or both, for the provision of international switched basic services, unless the Commission has authorized the provision of switched services over private lines to the particular country at the foreign end of the private line or the carrier is exchanging switched traffic with a foreign carrier that the Commission has determined lacks market power in the country at the foreign end of the private line. See 47 C.F.R. §§ 63.16, 63.22(e), 63.23(d). A foreign carrier lacks market power for purposes of this rule if it does not appear on the Commission list of foreign carriers that do not qualify for the presumption that they lack market power in particular foreign points. This list is available at http://www.fcc.gov/Bureaus/International/Public_Notices/1999/da990809.txt. See generally 1998 Biennial Regulatory Review - Reform of the International Settlements Policy and Associated Filing Requirements, IB Docket Nos. 98-148, 95-22, CC Docket No. 90-337 (Phase II), FCC 99-73 (rel. May 6, 1999), paras. 12-15, 102-109.

(6) The Commission has authorized the provision of switched basic services via facilities-based or resold private lines between the United States and the following foreign points: Sweden, Canada, New Zealand, the United Kingdom, Australia, The Netherlands, Luxembourg, Norway, Denmark, France, Germany, Belgium, Austria, Switzerland, Japan, Italy, Ireland, Hong Kong, Iceland, Spain, Finland, Israel, Singapore, Netherlands Antilles, Poland, Argentina, United Arab Emirates, Macau, Hungary, Philippines, Greece, Uruguay, Brunei, Trinidad & Tobago, Czech Republic, the Dominican Republic, Brazil, Botswana, Costa Rica, South Africa, Saint Lucia, Saint Kitts & Nevis, Saint Vincent, Antigua, Malaysia, Thailand, Belize, Panama, Guatemala, Venezuela, Bahrain, South Korea, Portugal, Cyprus, Slovak Republic, Slovenia, Dominica, Grenada, Jamaica, Kuwait, Jordan, Paraguay, Croatia, Egypt, Zambia, Ecuador, Barbados, Colombia, Chile, El

Salvador, Taiwan, Nicaragua, Turkey, Peru, Morocco, Ghana, Bolivia, Guyana, Mongolia, Zimbabwe, Gambia, Nigeria, Bangladesh, Indonesia, Tunisia, Qatar, Oman, Mauritius, New Caledonia, Guinea, Suriname, and Fiji Islands.

(7) Carriers may engage in "switched hubbing" to countries for which the Commission has not authorized the provision of switched basic services over private lines consistent with Section 63.17(b) of the rules.

(8) Carriers may provide U.S. inbound or outbound switched basic service via their authorized private lines extending between or among the United States, Sweden, New Zealand, the United Kingdom, Australia, The Netherlands, Luxembourg, Norway, Denmark, France, Germany, Belgium, Austria, Switzerland, Japan, Italy, Ireland, Hong Kong, Iceland, Spain, Finland, Israel, Singapore, Netherlands Antilles, Poland, Argentina, United Arab Emirates, Macau, Hungary, Philippines, Greece, Uruguay, Brunei, Trinidad & Tobago, Czech Republic, the Dominican Republic, Brazil, Botswana, Costa Rica, South Africa, Saint Lucia, Saint Kitts & Nevis, Saint Vincent, Antigua, Malaysia, Thailand, Belize, Panama, Guatemala, Venezuela, Bahrain, South Korea, Portugal, Cyprus, Slovak Republic, Slovenia, Dominica, Grenada, Jamaica, Kuwait, Jordan, Paraguay, Croatia, Egypt, Zambia, Ecuador, Barbados, Colombia, Chile, El Salvador, Taiwan, Nicaragua, Turkey, Peru, Morocco, Ghana, Bolivia, Guyana, Mongolia, Zimbabwe, Gambia, Nigeria, Bangladesh, Indonesia, Tunisia, Qatar, Oman, Mauritius, and New Caledonia, Guinea, Suriname, and Fiji Islands.

(9) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.

(10) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19 must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11. These non-dominant carriers may continue filing new or revised international tariffs for mass market services until January 28, 2002, when all tariffs, with limited exceptions, must be cancelled. Carriers may not file any new or revised contract tariffs or tariffs for other long-term international service arrangements. See 2000 Biennial Regulatory Review, Policy and Rules Concerning the International, Interexchange Marketplace, FCC 01-93, released March 20, 2001, 66 Fed. Reg. 16874 (Mar. 28, 2001).

(11) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a). Carriers shall also file the quarterly reports required by Section 43.61 in the circumstances specified in paragraphs (b) and (c) of that Section.

(12) Carriers shall file annual reports of circuit status and/or circuit additions in accordance with the requirements set forth in Rules for Filing of International Circuit Status Reports, CC Docket No. 93-157, Report and Order, 10 FCC Rcd 8605 (1995). See 47 C.F.R. §§ 43.82, 63.23(e). These requirements apply to facilities-based carriers and private line resellers, respectively. See also: <http://www.fcc.gov/ib/pd/pf/csmanual.html>

(13) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. Further, the grant of these applications shall not be construed to include authorization for the transmission of money in connection with the services the applicants have been given authority to provide. The transmission of money is not considered to be a common carrier service.

(14) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(15) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903. See Regulatory Treatment of LEC Provision of Interexchange Services Originating in the LEC's Local Exchange Area and Policy and Rules Concerning the Interstate, Interexchange Marketplace, Second Report and Order in CC Docket No. 96-149 and Third Report and Order in CC Docket No. 96-61, 12 FCC Rcd 15756, recon., 12 FCC Rcd 8730 (1997), Order, 13 FCC Rcd 6427 (Com. Car. Bur. 1998), further recon., FCC 99-103 (rel. June 30, 1999).

(16) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based service on that route unless the current rates the affiliate charges U.S. international carrier to terminate traffic are at or below the Commission's relevant benchmark adopted in International

Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliation" and "foreign carrier" are defined in Section 63.09.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see Section 1.4(b)(2)).

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Exclusion List for International Section 214 Authorizations

-- Last Modified December 22, 1999 --

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). In addition, the facilities listed shall not be used by U.S. carriers authorized under Section 63.18 of the Commission's Rules unless the carrier's Section 214 authorization specifically lists the facility. Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(4) of the Commission's Rules. See generally 47 C.F.R. § 63.22.

Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice Report No. 1-6831, dated July 27, 1993, "FCC to Accept Applications for Service to Cuba.")

Facilities:

All non-U.S.-licensed satellite systems that are not on the Permitted Space Station List, maintained at <http://www.fcc.gov/ib/sd/se/permitted.html>. See International Bureau Public Notice, DA 99-2844 (rel. Dec. 17, 1999).

This list is subject to change by the Commission when the public interest requires. Before amending the list, the Commission will first issue a public notice giving affected parties the opportunity for comment and hearing on the proposed changes. The Commission may then release an order amending the exclusion list. This list also is subject to change upon issuance of an Executive Order. See Streamlining the Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, FCC 96-79, 11 FCC Rcd 12,884, released March 13, 1996 (61 Fed. Reg. 15,724, April 9, 1996). A current version of this list is maintained at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>.

For additional information, contact the International Bureau's Policy Division, (202) 418-1460.