

Before the
Federal Communications Commission

In the Matter of)	
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Pacific Bell Communications)	
)	
Application for Authority Pursuant to Section 214)	
of the Communications Act of 1934, as Amended)	ITC-214-19970303-00131
to Resell Switched and Private Line Voice)	(Previous File No. ITC-97-161)
and Data Services Between "In-Region" Points)	
in the United States and all International Points)	
)	
)	
Pacific Bell Communications)	
)	
Application for Authority Pursuant to Section 214)	
of the Communications Act of 1934, as Amended)	ITC-214-19970303-00127
to Provide Facilities-Based Switched and)	(Previous File No. ITC-97-162)
Private Line Voice and Data Services Between)	
"In-Region" Points in the United States and)	
all International Points)	
)	
)	
Southwestern Bell Communications Services, Inc.)	
)	
Application for Authority Pursuant to Section 214)	
of the Communications Act of 1934, as Amended,)	ITC-214-19971205-00763
to Offer as an International Facilities-Based Carrier)	(Previous File No. ITC-97-776)
Switched Services and Private Line Voice and Data)	
Services Between "In-Region" Points in the)	
United States and all International Points Except)	
Chile, South Africa, and Switzerland)	
)	
)	
Southwestern Bell Communications Services, Inc.)	
)	
Application for Authority Pursuant to Section 214)	
of the Communications Act of 1934, as Amended,)	ITC-214-19971205-00762
to Offer as an International Resale Carrier)	(Previous File No. ITC-97-777)
Switched Services and Interconnected and)	
Non-Interconnected Private Line Voice and Data)	
Services Between "In-Region" Points in the)	
United States and all International Points Except)	
Chile, South Africa, and Switzerland)	

(BACI/NYNEX-LD), and BellSouth Long Distance, Inc. (BellSouth-LD) (collectively, "Applicants") have each filed applications¹ seeking authority pursuant to Section 214 of the Communications Act of 1934, as amended (Act)² to provide international services between "in-region states" as defined in Section 271(i) of the Act,³ and international points. Pursuant to Section 63.12 of the Commission's rules, the Bureau deemed these applications ineligible for streamlined processing and provided public notice that, because the applications raise questions of extraordinary complexity, an additional 90-day period for review was needed.⁴ On our own motion, we dismiss without prejudice these applications as prematurely filed, to the extent specified below.⁵

2. Applicants should file new applications for authority to provide international service originating in a particular in-region state concurrently with, or after, their affiliated Bell Operating Company (BOC) files an application under Section 271 for authority to provide in-region, interLATA services in that state. Alternatively, Applicants may file their new applications for authority to provide international service originating in a particular in-region state once the affiliated BOC has received Section 271 authority for that state.

3. Requiring applicants to tailor their applications to seek in-region international authority for a particular state for which they seek Section 271 authority is consistent with our recent Order granting authority to BACI/NYNEX-LD to provide international service originating from the State of New York and from outside the in-region states of Bell Atlantic Corporations' local operating companies (collectively, the Bell Atlantic BOCs), and terminating at all international points except Gibraltar.⁶ We

¹ See Pacific Application File No. ITC-214-19970303-00131 (previous File No. ITC-97-161) (filed Mar. 3, 1997, amendment filed May 1, 1997); Pacific Application File No. ITC-214-19970303-00127 (previous File No. ITC-97-162) (filed Mar. 3, 1997, amendment filed May 1, 1997); Southwestern Application File No. ITC-214-19971205-00763 (previous File No. ITC-97-776) (filed Dec. 5, 1997); Southwestern Application File No. ITC-214-19971205-00762 (previous File No. ITC-97-777) (filed Dec. 5, 1997); BACI/NYNEX-LD Application File No. ITC-214-19971223-00812 (previous File No. ITC-98-004) (filed Dec. 23, 1997); BACI/NYNEX-LD Application File No. ITC-214-19971223-00813 (previous File No. ITC-98-002) (filed Dec. 23, 1997); BACI/NYNEX-LD Application File No. ITC-214-19971223-00811 (previous File No. ITC-98-003) (filed Dec. 23, 1997); BellSouth-LD Application File No. ITC-214-19980709-00459 (previous File No. ITC-98-499) (filed Jul. 9, 1998, amendment filed Aug. 8, 1998). Hereinafter, for purposes of efficiency, we will refer to the older file numbers when citing the applications and related documents.

² 47 U.S.C. § 214.

³ 47 U.S.C. § 271(i)(1).

⁴ See 47 C.F.R. § 63.12 (d); See also e.g., *Overseas Common Carrier Section 214 Applications Actions Taken*, Public Notice, Report No. I-8327, 13 FCC Rcd 15513 (Int. Bur. 1998); *Non-Streamlined International Applications Accepted for Filing*, Report No. TEL--00148NS (rel. Oct. 21, 1999).

⁵ This action does not address the merits of the applications or any pleadings related to them.

⁶ Bell Atlantic Communications, Inc., and NYNEX Long Distance Company, Applications for Global Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended, to Provide all Authorized Facilities-Based Services Between the United States and all International Points Except Gibraltar, Bell Atlantic Communications, Inc., and NYNEX Long Distance Company, Applications for Authority Pursuant to

granted authority for international services originating in the State of New York because the Commission had granted to Bell Atlantic New York, one of BACI's and NYNEX-LD's affiliate BOCs, Section 271 authority for in-region interLATA services in the State of New York.⁷ We deferred consideration of the BACI/NYNEX-LD applications to the extent they requested authority to provide international service originating in the Bell Atlantic BOCs' other in-region states.⁸ We dispose of those portions of the applications here, along with the BACI/NYNEX-LD application for authority to provide international service to Gibraltar originating in the Bell Atlantic BOCs' in-region states other than New York⁹ and Pacific's, Southwestern's, and BellSouth-LD's applications to provide international services originating in their in-region states.¹⁰

4. We note that BellSouth-LD's application is limited to services originating in the State of Louisiana, and was filed concurrently with the application of BellSouth Corporation, BellSouth

Section 214 of the Communications Act of 1934, as Amended, to Resell International Services of U.S. Carriers to Provide all Authorized Services Between the United States and all International Points Except Gibraltar, FCC File Nos. ITC-214-19971223-00813 (previous File No. ITC-98-002) and ITC-214-19971223-00811 (previous File No. ITC-98-003), Order, Authorization and Certificate, DA 99-2989 (rel. Dec. 22, 1999) (*BACI/NYNEX-LD New York Order*).

⁷ See *BACI/NYNEX-LD New York Order* at para. 2.

⁸ See *BACI/NYNEX-LD New York Order* at para. 2. We noted that, while Applicants did not specifically request authority to terminate international traffic in the United States, the authorizations we granted in that Order included such authority for calls terminating not only outside the Bell Atlantic BOCs' in-region states but also for calls terminating within any such state, as permitted by Section 271(b)(4) of the Act, and as limited by Section 271(j) of the Act. See *BACI/NYNEX-LD New York Order* at n.5; 47 U.S.C. § 271(b)(4) and (j). See also *In the Matter of Bell Operating Company Provision of Out-of-Region Interstate, Interexchange Services*, CC Docket No. 96-21, 14 FCC Rcd 1105 (1998) (finding that, where a Bell Operating Company provides out-of-region international facilities-based service and generates international "return" traffic in exchange, the BOC may terminate such return traffic within its region, prior to obtaining in-region authority, subject to the Commission's rules and policies governing international telecommunications services).

⁹ In the *BACI/NYNEX-LD New York Order* we noted that BACI and NYNEX-LD are indirectly affiliated with Gibraltar NYNEX Communications, Ltd., which raises certain complex issues applicable exclusively to the U.S.-Gibraltar route. We noted that Applicants accordingly have filed a separate application for service on that route, which remained pending. See *BACI/NYNEX-LD New York Order* at n.4. To the extent that this separate application requests authority between New York and Gibraltar, and between states outside the in-region states of the Bell Atlantic BOCs and Gibraltar, we leave those applications pending because they are not premature.

¹⁰ We note that when SBC Communications, Inc. (SBC) and Pacific Telesis Group (PacTel) merged, PacTel's in-region states became part of SBC's in-region states because PacTel became an affiliate of SBC and PacTel's service area was served by a BOC at the time the Telecommunications Act of 1996 (1996 Act) was enacted. See 47 U.S.C. § 271(i) (1) (stating that "[t]he term 'in-region State' means a State in which a Bell Operating Company or any of its affiliates was authorized to provide wireline telephone exchange service pursuant to the reorganization plan approved under the AT&T Consent Decree, as in effect on the day before the date of enactment of the Telecommunications Act of 1996."); *Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorizations from Southern New England Telecommunications Corporation, Transferor, to SBC Communications, Inc., Transferee*, CC Docket No. 98-25, Memorandum Opinion and Order, 13 FCC Rcd 21292, para. 36 (1998).

Telecommunications, Inc., and BellSouth-LD (collectively BellSouth), for authority to provide in-region interLATA services in the State of Louisiana pursuant to Section 271 of the Act.¹¹ This was BellSouth's second application for authorization under section 271 to provide interLATA services in the State of Louisiana, and the Commission denied the application.¹² We endorse BellSouth-LD's efforts to coordinate its request for authority to provide in-region international services with BellSouth's filing of a Section 271 application, and BellSouth-LD's tailoring of its international request to the particular state for which BellSouth seeks 271 authority. We conclude that BellSouth still must file a new application the next time it files an application for 271 authority, particularly because the information in the application which we dismiss today, as well as the other BOC's applications, most likely is outdated. We encourage other BOCs to coordinate and tailor in the same manner their applications for authority to provide in-region international services.

5. Accordingly, IT IS HEREBY ORDERED that Pacific Bell Communications Application File No. ITC-214-19970303-00131 (previous File No. ITC-97-161); Pacific Bell Communications Application File No. ITC-214-19970303-00127 (previous File No. ITC-97-162); Southwestern Bell Communications Services, Inc., Application File No. ITC-214-19971205-00763 (previous file No. ITC-97-776); Southwestern Bell Communications Services, Inc., Application File No. ITC-214-19971205-00762 (previous File No. ITC-97-777); BellSouth Long Distance Application File No. ITC-214-19980709-00459 (previous File No. ITC-98-499); Bell Atlantic Communications Inc./NYNEX Long Distance Company Inc. Application File Nos. ITC-214-19971223-00813 (previous File No. ITC-98-002) and ITC-214-19971223-00811 (previous File No. ITC-98-003) (to the extent they were not previously granted); and Bell Atlantic Communications Inc./NYNEX Long Distance Company Inc. Application File No. ITC-214-19971223-00812 (previous File No. ITC-98-004) (to the extent it seeks authority to provide services to Gibraltar originating in the in-region states of the Bell Atlantic Corporations' local operating companies other than New York) are dismissed without prejudice for the reasons discussed herein, and the above-named applicants should file new applications for authority to provide international service originating in a particular in-region state concurrently with, or after, their affiliated Bell Operating Company files an application, under Section 271 of the Communications Act, as amended, for authority to provide in-region, interLATA services in that state. Alternatively, Applicants may file their new applications for authority to provide international service originating in a particular in-region state once the affiliated Bell Operating Company has received Section 271 authority for that state.

¹¹ See BellSouth-LD Application File No. ITC-98-499 at 1 and n.1.

¹² See *Application of BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., for Provision of In-Region, InterLATA Services in Louisiana*, CC Docket No. 98-121, Memorandum Opinion and Order, 13 FCC Rcd 20599 (1998).

6. This action is taken under the authority of Sections 4(i) and 4(j) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), (j), and the delegated authority of Section 0.261 of the Commission's rules, 47 C.F.R. § 0.261.

FEDERAL COMMUNICATIONS COMMISSION

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