



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA No. 19-295

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**REQUEST OF AST TELECOM TO CONTINUE PROVISION OF SERVICES ON U.S.-
INDEPENDENT SAMOA ROUTE USING THE SWITCHED SERVICES OF AN AFFILIATED
U.S. FACILITIES-BASED CARRIER**

Pleading Cycle Established

**IB Docket No. 16-420, IBFS File Nos. ITC-T/C-20161220-00377,
ITC-214-11980918-00671, ITC-214-19981207-00860**

Comments: May 1, 2019

Reply Comments: May 8, 2019

On November 16, 2018, the International Bureau granted consent for the transfer of control of AST Telecom, LLC d/b/a Bluesky (AST) and its affiliates American Samoa Hawaii Cable, LLC and Samoa American Samoa Cable, LLC from Amper, S.A. to Amalgamated Telecom Holdings Limited (ATH).¹ In seeking such consent, ATH and AST made voluntary commitments concerning traffic routing and settlement rates.² In particular, AST agreed that it would provide U.S.-outbound switched services on the U.S.-Fiji, U.S.-Vanuatu, U.S.-Kiribati, U.S.-Cook Islands, and U.S.-Independent Samoa routes (each an “Affiliated Route”) solely via the resale of an unaffiliated U.S. facilities-based carrier’s switched services until it demonstrates in writing that the relevant Affiliated Route complies with the Commission’s settlement rate benchmark on that route.³ The grant permits AST to continue to provide facilities-based service on the U.S.-Independent Samoa route, provided AST requests Commission permission and makes the requisite demonstration within 60 days of the grant.⁴

On March 8, 2019, AST filed its request (Request) to continue providing direct facilities-based service on the U.S.-Independent Samoa route.⁵ AST states that its affiliated foreign carrier,

¹ International Authorizations Granted, Public Notice, Report No. TEL-01935, DA 18-1187 (IB Nov. 21, 2018) (AST-ATH Grant PN), 2018 WL 6119583 (granting ITC-T/C-20161220-00377).

² Letter from Ivan Fong, Chief Executive Officer, Amalgamated Telecom Holdings Limited, and Douglas Creevey, Chief Executive Officer, AST Telecom, LLC d/b/a Bluesky, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 16-420, IBFS File No. ITC-T/C- 20161220-00377 (filed Sept. 8, 2019) (Commitment Letter).

³ Commitment Letter at para. 2(a), (e).

⁴ AST-ATH Grant PN, supra note 1.

⁵ The transfer of control was not consummated until February 22, 2019, at which time both AST and its new parent company, ATH, were able to certify to the required information submitted in support of AST’s Request. As a result, AST and ATH filed the Request outside of the 60-day period. Letter from Kent Bressie, Counsel for AST Telecom, (continued....)

Bluesky Samoa Limited (Bluesky Samoa), has negotiated a settlement rate with AST that is at or below the Commission's benchmark rate of \$0.19 per minute.⁶ According to the Request, AST and Bluesky Samoa have agreed to – and do – terminate traffic on the U.S.-Independent Samoa route at US \$0.19 per minute.⁷ AST states that the Bluesky Samoa rate is available to all other U.S. carriers, as evidenced by the rate table attached to the Request.⁸ In further support of AST's assertion that the \$0.19 per minute termination rate is and will continue to be generally available to all U.S. carriers, AST also provides for the record the Affidavits of Mr. Anish Chandra, Chief Financial Officer for Bluesky Samoa Limited, and Mr. Ivan Fong, Chief Executive Officer, ATH.⁹ AST states that it will notify the Commission in the event that circumstances change rendering it unable to continue offering a benchmark-compliant rate.¹⁰

Interested parties must file comments no later than **May 1, 2018**. Persons and entities that timely file may participate fully in the proceeding. Responses to comments or oppositions to petitions must be filed no later than **May 8, 2019**. All filings concerning matters referenced in this Public Notice should refer to **IB Docket No. 16-420, ITC-T/C-20161220-00377, ITC-214-19980918-00671, and ITC-214-19981207-00860**.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS) at <http://apps.fcc.gov/ecfs/> and through the International Bureau Filing System (IBFS) at <http://licensing.fcc.gov/myibfs/>.
- **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 12th 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 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

In addition, one copy of each submission must be sent to the following:

LLC d/b/a Bluesky, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 16-420, IBFS File No. ITC-T/C-20161220-00377, at 1 (filed Mar. 8, 2019) (Request).

⁶ *Id.* at 2.

⁷ *Id.*

⁸ *Id.* at 2 (referencing Exhibit A). The rate table is signed by both Raj Deo, Country Manager of AST, and Anish Chandra, Chief Financial Officer for Bluesky Samoa Limited.

⁹ *Id.* at 2 (referencing Exhibits B, C).

¹⁰ *Id.* at 2.

- 1) David Krech, Telecommunications & Analysis Division, International Bureau, at David.Krech@fcc.gov or (202) 418-0398 (facsimile);
- 2) Susan O'Connell, Telecommunications & Analysis Division, International Bureau, at Susan.OConnell@fcc.gov or (202) 418-0398 (facsimile);
- 3) Kimberly Cook, Telecommunications & Analysis Division, International Bureau, at Kimberly.Cook@fcc.gov or (202) 418-0398 (facsimile);

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This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹¹ 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 (unless a different deadline applicable to the Sunshine period applies). 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). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, contact Kimberly Cook, Telecommunications & Analysis Division, International Bureau, at (202) 418-7532.

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¹¹ 47 C.F.R. §§ 1.1200 *et seq.*