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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

SEP 2 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Rules for the Filing of International)
Circuit Filing Reports)

CC Docket No. 93-157

REQUEST TO SUBMIT
LATE-FILED COMMENTS

GE American Communications, Inc. hereby seeks leave to file the attached comments one day out of time. This is almost de minimis and is due to unanticipated delays in obtaining Company clearance. For the Commission to accept these comments and to consider their content would not delay the timely issuance of a rule in this matter, since there is a further round of comments due October 1. Likewise, a filing only one day late will not prejudice other parties, and a copy of these comments is being served on all persons that GE Americom believes are likely to be affected by the rule proposed herein.

WHEREFORE, good cause exists for GE Aneruican Communications to be be granted leave to file the attached comments one day late.

Respectfully submitted,



Alexander P. Humphrey
GE AMERICAN COMMUNICATIONS, INC.
1331 Pennsylvania Ave., N.W.
Washington, D.C. 20004
(202) 637-4115

September 2, 1993

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COMMENTS OF
GE AMERICAN COMMUNICATIONS, INC.

GE American Communications, Inc. ("GE Americom") hereby comments upon the Notice of Proposed Rulemaking in the above-captioned docket,¹ which would codify the form and content of reports filed by certain international carriers. These rules would apply to all "facilities-based carriers," which the NPRM defines, inter alia, as "those international common carriers which * * * lease satellite capacity from Comsat or a separate satellite system."²

Due to its fleet of seven in-orbit communications satellites, GE Americom is a "facilities-based" carrier and would be subject to the proposed reporting requirements, since it leases satellite capacity both from Comsat and separate satellite systems in its international operations.

At the same time, GE Americom has been defined as a non-dominant international carrier under the Commission's Competitive Carrier policies.³ As such, GE Americom, together with other non-dominant international carriers, currently files semi-annual

¹ Order FCC 93-291 (released July 2, 1993) ("NPRM").

² Ibid. at 1 n. 2.

³ International Carrier Policies, 102 FCC 2d 812 (1985).

circuit reports under Part 63.10(b) of the Commission's rules. Thus, if the requirements proposed in the NPRM are adopted, GE Americom would be required to file no less than three circuit reports a year -- one under proposed Part 43.82 and two under Part 63.10(b). In addition, much of the information required by Part 43.82 would be duplicative of that required under Part 63.10(b). By comparison, AT&T and Comsat, both of which are dominant carriers in certain international markets, would only have to file a single report. Such a situation would be contrary to the decrease in reporting requirements by carriers lacking market power that has resulted from the Commission's Competitive Carrier policies.

To redress this imbalance, GE Americom proposes that the Commission further streamline the regulation of international non-dominant carriers by exempting such carriers from all reporting requirements. When it first decided to apply streamlining to non-dominant international carriers eight years ago, the Commission said: "As we gain experience with streamlined regulation and as the new international market structure evolves further, we will be in a better position to evaluate additional streamlining * * * options."⁴ The Commission has eight years of experience with streamlined regulation of non-dominant carriers and the international market has been transformed from the situation existing as of 1985. Thus the elimination of reporting

⁴ International Carrier Policies, supra, 102 FCC 2d at 843.

requirements for non-dominant carriers is a streamlining option that can and should be implemented now.

At the very least, the Commission should put non-dominant international carriers on a parity with dominant carriers by requiring the filing of only one circuit report a year. It can do this by one of two ways. Either the Commission could (1) exempt non-dominant carriers from the reporting requirements of proposed Part 43.82 and modify Part 63.10(b) to require the filing of additional circuits once a year; or (2) eliminate Part 63.10(b) reports and have all carriers report under proposed Part 43.82.

GE Americom prefers the first option. Part 63.10(b) requires the report only of circuit additions, while Part 43.82(b) requires a report of the status of all international circuits. Thus exempting non-dominant carriers from proposed Part 43.82 and requiring Part 63.10(b) reports only annually would recognize the distinction, at the heart of the Commission's Competitive Carrier policies, between the regulatory treatment of carriers with market power and those lacking market power.

Therefore, if the Commission declines to streamline non-dominant international carriers further at this time by exempting them from all reporting requirements altogether, it should exempt

them from proposed Part 43.82 and require Part 63.10(b) reports only once a year.

Respectfully submitted,



Alexander P. Humphrey
GE AMERICAN COMMUNICATIONS, INC.
1331 Pennsylvania Ave., N.W.
Washington, D.C. 20004
(202) 637-4115

September 2, 1993

Certificate of Service

I, Wanda M. Latta, hereby certify that on this 2nd day of September, 1993, copies of the foregoing Comments of GE American Communications, Inc., in the matter of Rules for the Filing of International Circuit Filing Reports, CC Docket No. 93-157, have been served by first-class United States mail, postage prepaid, on the parties shown on the attached list.

Wanda M. Latta

Wanda M. Latta

SERVICE LIST

AT&T
1120 20th Street, N.W.
Suite 1000
Washington, D.C. 20036

BellSouth Corporation
1133 21st Street, N.W.
Suite 900
Washington, D.C. 20036

BellSouth International
1100 Peachtree Street, NE
Suite 400
Atlanta, GA. 20309

Ameritech
1050 Connecticut Ave., N.W.
Suite 730
Washington, DC 20036

COMSAT Corporation.
6560 Rock Spring Drive
Bethesda, MD 20817-1146

Bell Atlantic Network Services, Inc.
1310 N. Court House Road
Arlington, VA 22201

Competitive Telecommunications Association
1140 Connecticut Ave., NW
Suite 220
Washington, DC 20036

GTE Spacenet Corporation
1700 Old Meadow Road
McLean, VA 22102

LATHAM & WATKINS
1001 Pennsylvania Ave., NW
Suite 1300
Washington, DC 20004

Pacific Telesis Group-Washington
United States Telephone Ass'n
1275 Pennsylvania Ave., NW
Suite 400
Washington, DC 20004

Southwestern Bell Corporation
1667 K Street, NW
Suite 1000
Washington, DC 20006

Sprint International
Communications Corporation
12490 Sunrise Valley Drive
Reston, VA 22096

U.S. West, Inc.
1020 19th Street, NW
Washington, DC 20036