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PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
 445 12th STREET, S.W.
 WASHINGTON, D.C. 20554

DA 99-2981

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**INTERNATIONAL BUREAU SEEKS COMMENT
 ON BELL CANADA REQUEST FOR REMOVAL FROM THE COMMISSION'S
 LIST OF FOREIGN TELECOMMUNICATIONS CARRIERS
 THAT ARE PRESUMED TO POSSESS MARKET POWER IN
 FOREIGN TELECOMMUNICATIONS MARKETS**

98-148 ✓

Comment Date: **January 19, 2000**
 Reply Comment Date: **February 3, 2000**

In the *Reform of the International Settlements Policy and Associated Filing Requirements*,¹ the Federal Communications Commission (Commission) modified its rules to remove the requirement that agreements between U.S. telecommunications carriers and foreign carriers that lack market power in the foreign telecommunications market conform to the Commission's international settlements policy. The Commission's rules include a presumption that a foreign carrier does not possess market power on the foreign end of a U.S. international route if it possesses less than 50 percent market share in each of three relevant foreign product markets: international transport facilities, including cable landing station access and backhaul facilities; inter-city facilities and services; and local access facilities and services on the foreign end.² On June 18, 1999, the Commission released a Public Notice listing the foreign telecommunications carriers that are presumed to possess market power in foreign telecommunications markets.³

On November 4, 1999, Bell Canada filed a Petition for Declaratory Ruling seeking removal from the list of foreign telecommunications carriers that are presumed to possess market power in foreign telecommunications markets. Bell Canada argues that it should be removed from the list because it does not possess a 50 percent market share in the international transport or inter-city markets in Canada. Bell Canada also contends that its local market share does not enable it to adversely affect competition in the U.S. market. Alternatively, Bell Canada requests that the

¹ 1998 Biennial Regulatory Review -- Reform of the International Settlements Policy and Associated Filing Requirements, IB Docket No. 98-148, CC Docket No. 90-337 (Phase II), IB Docket No. 95-22, *Report and Order and Order on Reconsideration*, 14 FCC Rcd 7963 (1999) (*Reform of the International Settlements Policy and Associated Filing Requirements*).

² See 47 C.F.R. § 43.51(g) (1999) (64 Fed. Reg. 34734, 34740-41 (June 29, 1999)). See also *Reform of the International Settlements Policy and Associated Filing Requirements*, 14 FCC Rcd at 7976-78 ¶¶ 38-41.

³ List of Foreign Telecommunications Carriers that are Presumed to Possess Market Power in Foreign Telecommunications Markets, *Public Notice*, DA 99-809 (correction rel. June 18, 1999).

Commission prospectively waive the contract filing provisions of section 43.51 of the Commission's rules⁴ for U.S. carriers entering into settlement agreements with Bell Canada.

Interested parties may file comments on the Bell Canada Petition for Declaratory Ruling on or before **January 19, 2000**, and reply comments on or before **February 3, 2000**. All comments should reference the Bell Canada Petition for Declaratory Ruling, IB Docket No. 98-148. Interested parties should file an original and four copies with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-A325, Washington, D.C. 20554. A copy of each filing should be sent to the Office of Public Affairs, Reference Division, 445 12th Street, S.W., room CY-A257, Washington, D.C. 20554, and to International Transcription Services, Inc. (ITS), 445 12th Street, S.W., room CY-B402, Washington, D.C. 20554. In addition, parties should send two copies to David Krech, 445 12th Street, S.W., room 6-C848, Washington, D.C. 20554.

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. If using this method, please reference IB Docket No. 98-148 in the Proceeding Block. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. After filing your comments electronically, please e-mail David Krech at dkrech@fcc.gov, that comments have been filed.

Copies of the Bell Canada Petition for Declaratory Ruling and any subsequently filed documents in this matter are available for inspection and duplication during regular business hours in the FCC Office of Public Affairs Reference and Information Center, 445 12th Street, S.W., room CY-A257, Washington, D.C. 20554. Copies also may be obtained from ITS, , 445 12th Street, S.W., room CY-B402, Washington, D.C. 20554, (202) 857-3800.

This is a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in section 1.1206 of the Commission's rules applicable to non-restricted proceedings, 47 C.F.R. § 1.1206. Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.

For further information contact David Krech, Telecommunications Division, International Bureau, at (202) 418-7443, or by e-mail at dkrech@fcc.gov.

⁴ 47 C.F.R. § 43.51 (1999) (64 Fed. Reg. 34734, 34740-41 (June 29, 1999)).