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August 15, 2001

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TWB-204  
Washington, DC 20554

Re: Review of Commission Consideration of Applications under  
the Cable Landing License Act, IB Docket No. 00-106

Dear Ms. Salas:

On Tuesday, August 14, 2001, Charlie Meyers, representing AT&T, and I met with Jackie Ruff, Kathleen Collins, Claudia Fox, Linda Haller, George Li, and Marilyn Simon of the International Bureau to discuss the Notice of Proposed Rulemaking referenced above. The attachment was used to discuss issues pending in this proceeding.

Two copies of this Notice are being submitted to the Secretary of the FCC in accordance with Section 1.1206(b)(1) of the Commission's rules.

Sincerely,

cc: K. Collins  
C. Fox  
L. Haller  
G. Li  
J. Ruff  
M. Simon

Ex. of [unclear] 012  
[unclear]

# Factual Background in Support of Streamlining Submarine Cable Landing License Applications

- There have been significant increases in the numbers and capacity of installed and planned submarine cables since JUS was filed (12/98) and the NPRM in IB Docket 00-106 was issued (6/00).
- Growth rates of 185% for 1999 and 224% for 2000 are indicative of a strong, competitive industry with no artificial restraints on capacity.
- Closed investment cables provide most of the growth in capacity; in 2002, 100% of the forecasted new capacity will be provided by closed investment cables. These statistics cannot be reconciled with claims of anti-competitive harm caused by market foreclosure.
- Past Commission decisions have repeatedly found that no US carrier has market power in the international submarine cable market (including submarine cable capacity, US cable landing stations and US backhaul).

# Broad Streamlining is in the US Public Interest

- Opponents of streamlining bear a heavy burden to show that approval of additional capacity is not in the US public interest.
- Streamlining of international 214s has been very successful; 95% of international 214s qualify for streamlining under existing rules; no serious objection to 214 streamlining procedures.
- Non-dominant applicants are subject to streamlined processing.
- Applicants affiliated with non-dominant foreign carriers are similarly entitled to streamlined processing.
- Applicants affiliated with *dominant* foreign carriers can be streamlined under most conditions.
- If necessary to address unusual competitive circumstances, the Commission can inform any applicant that streamlining does not apply.

**Total Available**  
**Trans-Oceanic Fiber Optic Cable Capacity**  
*(Includes FCC Estimates for 2001-2002)*  
(64 kbps equivalent circuits, per June 29, 2001 FCC 43.82 Report)

