

CARIBBEAN TELECOMMUNICATIONS LIMITED (CTL)
48 GOOD LUCK STREET, EDISON, NEW JERSEY, 08820
PHONE: 732-548-7095

October 10, 2001

Ms. Magalie Roman Salas
Secretary of the FCC
445 12th. street, S.W.
Washington, D.C. 20554

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RE: Request for acceptance of Caribbean Telecommunications Limited Reply
Comments with reference to IB Docket No. 96-261 - Petition of waiver for
Benchmark settlement Rate for Guyana.

Dear Ms. Salas:

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ATN's reply comments dated September 28, 2001. CTL was led to believe that the
closing date for comments was September 28, and therefore, ATN did not afford any one
the opportunity to reply to their comments in time.

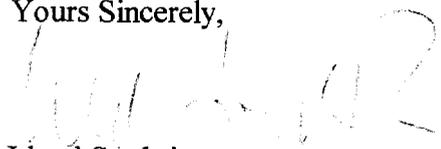
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and all evidence, data and comments must be presented to the Commission to assist them
in determining if a waiver should be granted to ATN or any one else.

CTL has revealed some new information in its reply comments and given the United
States new initiative for international law enforcement, CTL urges the Commission to
accept its reply comments, which shed much more light on the situation. Furthermore,
CTL's owners are American citizens and their activities in Guyana are subject to the
Helms Amendment Act and United States policies and laws. In addition, American
Citizens are being denied a right to a livelihood by ATN and GT&T. The Commission
therefore should and must intervene to ensure that American rights are not violated.

Therefore, CTL respectfully requests that you accept its reply comments dated October
10, 2001.

Thank you for your kind attention and time.

Yours Sincerely,



Lloyd Soobrian
CEO, CTL

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BEFORE THE

FEDERAL COMMUNICATION COMMISSION
WASHINGTON, D.C. 20554

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OCT 11 2001

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In the Matter of

International Settlement Rates

IB Docket No. 96-261

To The Commission:

REPLY COMMENTS OF CARIBBEAN TELECOMMUNICATIONS LIMITED

Caribbean Telecommunications Limited

Lloyd Soobrian, CEO, CTL

48 Good Luck Street
Edison, New Jersey, 08820

Dated October 10, 2001

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After careful consideration, CTL purports that it is most beneficial that the Commission not grant ATN the waiver of the Benchmark rates for Guyana. ATN has not demonstrated that it will suffer network disruption nor incur undue revenue losses. In addition, ATN has not shown from the past and now, that having received such a grant that they will act in the best interests of the citizens of Guyana nor the citizens of the United States. They bring with their telecom service questionable business practices that hinge at the legal system of Guyana.

ATN has not met the Benchmark waiver standard since they have not shown unique circumstances and more so provided any documents pertaining to economic costs and data, including its cellular revenues and cost-based data. This necessary documentation would provide not only the Commission, but also any investigative body the proper means to determine the impact and justification of this said waiver. Such a grant as the Commission is considering would require all aforementioned information and a trust in ATN.

The Commission must be able to trust ATN once again. ATN has in the past compromised precise delivering of information noted in the reply comments of Joseph Tyndall, the first Chairman of the Guyana Public Utilities Commission (PUC), and Caribbean Wireless Telecom. Also, ATN's Petition to the Commission for the Benchmark waiver suppressed key cellular information and exaggerated its accomplishments in Guyana. It was CTL that helped clear the ambiguity when ATN admitted later in its reply comments that it indeed had over 24,000 cellular subscribers.

The Commission should discount the comments filed by the Caribbean Latin American Association (CLAA) and the Caribbean Association of National Telecommunication Organizations (CANTO) as well. ATN has failed to tell the Commission that it pays an annual membership fee to CANTO, is a card-carrying member of CANTO and that GT&T once held the chair of CANTO. These organizations have a vested economic interest in ATN and GT&T.

CTL has also demonstrated that GT&T will earn over \$30 million dollars per year from its cellular business which was developed to replace the landline business. In addition, ATN has failed to disclose millions of additional revenue stemming from a defiant operation as indicated by court order, prohibiting the PUC and GT&T from implementing the Caller Party Pays services.

Although these items alone are not enough to discredit ATN's petition, the Commission should consider the possibility of misinformation in documents and comments provided by ATN.

In the event that such a waiver is granted, CTL foresees that this will hurt American and Guyanese interests and affect U.S. policies that work to create open markets, competitive environments and overall democracy. This waiver will bulwark ATN's intransigent business practices. It will strengthen the monopoly that exists, dampen the competitive environment that stimulates growth and development in Guyana and provide lead for other monopolistic endeavors in other industry sectors of Guyana.

The Commission ought to have first hand knowledge of the regulatory and legal environment in Guyana so as to realize the operating conditions of the Guyana market and so possibly make a more informed decision thus complying with United States law enforcement, and trade polices.

ATN points out that Guyana has yet to establish a regulatory authority that is both impartial and transparent. In the past ATN have had problems with the chairmen of the PUC for they were looking after (as they should) public welfare and ensuring that there existed a fair balance between consumer and investor interests. As a result, the Government under pressure acted to remove the past two chairmen of the PUC. The unusual removal of these two officials would not have seemed so peculiar had they not appointed someone who now, after some time in office, can be categorized as “*malleable*”. Mr. Premishaul (Prem) Persaud, is a seventy plus year old retired judge of the Guyana Court of Appeals who became the new Chairman of the PUC in early 2000.

Every facet of the Guyana governmental institution including its legal system is vulnerable. It is a known fact that the judicial system in Guyana is in a serious crisis and is not impervious.

Mr. Prem Persaud is an *open* and very active supporter of GT&T and ATN. CTL will provide a few examples as to the highly questionable actions taken by the PUC under the direction of Mr. Prem Persaud:

- In August of 1998, GT&T filed an application for prohibition against the PUC from proceeding with a hearing into the validity of the grant of monopoly rights of GT&T. The application was made before Mr. Prem Persaud when he was the acting Judge. He issued an order nisi in August 1998 preventing the Public Utilities Commission (PUC) from proceeding with the hearing. The then Chairman of the PUC, Mr. Menon, adhering to the legal system, complied with Judge Persaud’s questionable order.
- In March 2001 a High Court Judge issued an order preventing the PUC and GT&T from implementing the Caller Party Pays service on the grounds that

Caribbean Telecommunications and Caribbean Wireless Telecom rights to procedural due process were violated. Mr. Prem Persaud and GT&T disobeyed the High Court Order and the PUC proceeded in favor of GT&T and granted the Caller Party Pays service. The dubious nature of Chairman Persaud's actions is given more testimony after specifically disobeying the High Court Judge's Order. He should have followed the example of his predecessor, Mr. Menon, who complied with Mr. Persaud's order made as a Judge against the PUC. This fiasco illustrates a detrimental factor to the ailing integrity of Guyana's legal system.

- In May of 2001, the High Court ruled that the PUC and GT&T must grant CTL interconnection. In response, Mr. Prem Persaud and GT&T approached an Appeal Court Judge, Mr. Nandram Kissoon, and obtained a stay of the High Court Judge's Order, thus preventing CTL from getting the needed interconnection. CTL's attorneys presented the most compelling and correct arguments in law to the Appeal Court Judge to remove the stay. Despite this the Judge indicated that he did not have the jurisdiction to remove the stay despite the fact that he granted the stay in the first place; again contributing to the ailing integrity of the legal system.

As much as the Chairman is an *open* supporter of GT&T he is an *open* detester of Caribbean Telecommunications Limited. In a telecommunications conference in Barbados in March of 2001, sponsored by the United States Embassy, Mr. Prem Persaud publicly made several biased statements against CTL during a panel discussion. He is most noted for another partial remark made last year: when he told CTL to "close its businesses and revert to what it was doing before." CTL has since filed a bias charge against the Chairman.

This is a critical period in America given the September 11th tragedy. The United States Government has declared war “on terrorism and any Government that supports it.” Terrorism can exist only in a place where there is no respect for the rule of law, the rule of the Government and the role of its citizens; a place where institutions are vulnerable, where political officials and Judges can be categorized as “malleable”, and where institutions can be influenced and even violate their own rules and laws. It is the kind of environment that the United States wants to eradicate. The Commission has an obligation to ensure that United States policies on law enforcement are not compromised.

The Guyana regulatory issues are relevant to ATN’s petition and the Commission must consider and investigate all the claims of Guyana’s commenters including Mr. Joseph Tyndall and Caribbean Wireless Telecom. The FCC has a statutory obligation to ensure that American public interests are not harmed; therefore, CTL implores the Commission to take a “hard look” at GT&T’s conduct in Guyana.

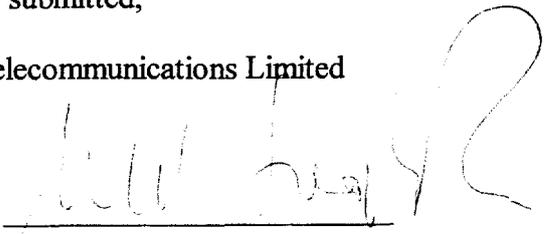
Should the Commission grant ATN a limited waiver then the Commission must impose conditions on ATN before implementing the waiver. The Commission must set specific conditions on ATN to include granting of interconnection to Caribbean Telecommunications (as well as others), payment to CTL of all monies due from international settlements and an undertaking that ATN will not impede or restrict competition in Guyana. This is after all a fair and reasonable request if ATN is provided this waiver. It will provide progressive steps for all parties involved and promote a competitive free market in Guyana as well as a call to adhere to the legalities set forth by the courts and to respect the law.

But denial of the waiver will be the first optimal solution to ensure that ATN and Chairman Prem Persaud will not use the ailing legal system in Guyana to undermine the

negotiations between the Government and ATN to end the monopoly. A measure must be taken to prevent ATN and GT&T from using the legal system to *tie up* its competitors in the Courts of Guyana and *tie up* the Government from introducing competition in Guyana. The Commission must prevent another situation similar to when the current Chairman of the PUC was a Judge and he prevented the PUC from hearing the matter on the legality of GT&T's monopoly status. The Commission has a duty to ensure that American interests are protected and the denial of a waiver will best ensure that.

Respectfully submitted,

Caribbean Telecommunications Limited

By: 

Lloyd Soobrian

October 10, 2001

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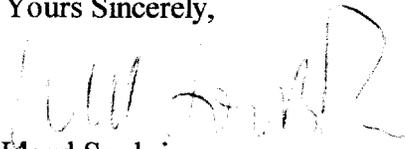
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