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MAR 12 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

In the Matter of )  
)  
AT&T Corp. Emergency Petition for )  
Settlements Stop Payment Order and )  
Request for Interim Relief )  
)  
and )  
)  
Petition of WorldCom, Inc )  
For Prevention of "Whipsawing" )  
On the U S - Philippines Route )

IB Docket No 03-38

**PETITION FOR ENFORCEMENT OF MARCH 10, 2003 ORDER**

International Access Inc., d/b/a Access International ("Access"), by its attorneys, hereby petitions the Commission for enforcement of the March 10, 2003 Order issued by the Chief, International Bureau, in the above-captioned matter<sup>1</sup> In support thereof, Access states as follows

Access is a telecommunications carrier authorized by the Commission pursuant to Section 214 of the Communications Act of 1934, as amended,<sup>2</sup> to provide facilities-based international telecommunications service.<sup>3</sup> A substantial portion of Access's business involves carriage of traffic between the United States and the Philippines, primarily on a wholesale basis to other U S carriers In short, Access operates as a "carriers' carrier " Indeed, Access is among the leading providers of service between the U S. and the Philippines. On several occasions, Access has attempted to enter into operating agreements with the Philippine Long Distance

<sup>1</sup> AT&T Corp. Emergency Petition for Settlements Stop Payment Order and Request for Immediate Interim Relief, et al, 18 FCC Rcd 3519 (2003) ("March 10 Order").

<sup>2</sup> 47 U S C § 214.

<sup>3</sup> File No ITC-214-19990913-00595, granted effective October 20, 1999 (See Public Notice - International Authorizations Granted, DA No. 99-2252, released October 21, 1999)

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Telephone Company (“PLDT”) which would enable it to terminate traffic on the route at rates comparable to those available to the largest U.S. carriers. Those efforts have been rebuffed by the (PLDT) <sup>4</sup>

Notwithstanding any prior Commission pronouncements about the competitiveness of the Philippine market and the openness of that market to U.S. competitors, it has been clear to Access that the settlement rates available from PLDT to the largest U.S. carriers were not and are not available to Access. For that reason, Access applauded the March 10 Order which ordered the suspension of settlement payments to Philippine carriers until such time as the Commission, by public notice, indicated that circuits between the U.S. and the Philippines were fully restored. More importantly from Access’s perspective, the Commission ordered that the International Settlements Policy (ISP) shall apply to U.S. carriers in their agreements with Philippine carriers, including PLDT <sup>5</sup>

As stated in the March 10 Order and as the Commission has held on numerous other occasions, one of the principal requirements of the ISP is prevention of discrimination. Specifically, “all U.S. carriers must be offered the same effective accounting rate with the same effective date for the rate.”<sup>6</sup> On routes governed by the ISP (including, of course, the Philippines following the March 10 Order), U.S. carriers are required to publicly file with the Commission their rates and agreements in order to ensure compliance with the requirements of the ISP <sup>7</sup>

Recently, Access has learned through the issuance of several Commission public notices that certain U.S. carriers had reached accommodations with Philippine carriers which resulted in

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<sup>4</sup> PLDT remains on the Commission’s list of carriers presumed to have market power. See List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets, posted at [www.fcc.gov](http://www.fcc.gov).ib

<sup>5</sup> March 10 Order at ¶ 29.

<sup>6</sup> *Id.* At ¶ 10 n. 34. See also 47 C.F.R. § 43.51.

<sup>7</sup> 47 C.F.R. § 43.51.

the cessation of circuit blocking by Philippine carriers. As a result, the Commission lifted its payment suspension order with respect to those carriers.<sup>8</sup> Upon learning that U.S. carriers and Philippine carriers had reached agreements on settlement rates which permitted the reopening of previously-blocked circuits, Access inspected the records of the Commission for the purpose of locating the filed operating agreements between U.S. carriers and Philippines carriers as required by Section 43.51 of the Commission's rules. To its dismay, no such filed agreements are available. Access then searched the table of international settlement rates posted on the Commission's website to determine what are the accounting rates now in effect for traffic between the U.S. and the Philippines. No rates are listed. Instead, there is a blank space in the column captioned "IMTS" and a footnote stating only that the Philippines has been removed from the list of countries approved for International Simple Resale (ISR).

Unable to ascertain the current accounting rates and settlement rates for the Philippines notwithstanding the Commission's clear and unequivocal requirement articulated in the March 10 Order that the ISP shall be applicable to the U.S. – Philippines route, Access then endeavored to obtain settlement rate information from the carriers which serve that route. On February 17, 2004, undersigned counsel sent letters to AT&T Corporation, WorldCom, Inc. d/b/a MCI, Sprint Corporation, and PLDT requesting that those carriers provide to counsel the accounting rates in effect. Copies of those letters are attached hereto as Attachment A.

Despite the fact that each of those carriers is subject to the requirements of the ISP, including the requirements that accounting rates be available to all U.S. carriers and that

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<sup>8</sup> See, e.g., Public Notice – AT&T and MCI Circuits to the Philippines Reactivated by PLDT: Suspension Lifted On U.S. Carrier Payments to PLDT, DA 04-63, released January 15, 2004; Public Notice – AT&T and MCI Circuits to the Philippines Reactivated by Globe: Suspension Lifted On U.S. Carrier Payments To Globe, DA 04-162, released January 26, 2004, Public Notice – Suspension Lifted On U.S. Carrier Payments to Subic, DA 04-359, released February 12, 2004.

operating agreements containing those rates must be publicly filed, each of those carriers who responded refused to divulge the requested accounting rate information.<sup>9</sup> Copies of each of those letters are attached hereto as Attachment B. In each case, the responding carrier “justified” its refusal to comply with the requirements of the ISP on the basis that the rates now in effect were “interim.”<sup>10</sup>

Nothing in the March 10 Order indicates that the requirement that the Philippines become subject to the ISP not take effect until some indefinite time in the future when the so-called interim rates (whatever they may be) are eventually replaced with “permanent” rates. At no time has the Commission ever stated that settlement rates on routes subject to the ISP need not be nondiscriminatory if the parties to the agreements establishing those rates call them “interim.” Neither does Section 43.51 of the Commission’s rules create an exception to the public filing requirement for so-called “interim rates.”

As the Commission has noted on many occasions, some of which are cited in the March 10 Order, the purpose of the ISP is to prevent “whipsawing” of authorized U.S. carriers by foreign carriers which have the ability to exercise market power in their home countries, *i.e.*, it is a policy whose purposes include prevention of discrimination. The intended beneficiaries of the ISP are authorized U.S. carriers and, more importantly, their consumers. The Commission noted quite correctly in the March 10 Order that it has the authority and the responsibility to oversee and regulate rates authorized U.S. carriers pay to foreign carriers to the extent those rates affect

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<sup>9</sup> To date, Access has received no response from WorldCom d/b/a MCI.

<sup>10</sup> See, *e.g.*, letter from James J.R. Talbot, Senior Attorney, AT&T, to Mitchell F. Brecher, dated February 24, 2004 (“We are therefore unable to provide details of these interim arrangements.”). Mr. Talbot’s letter cites to an October 15, 2003 letter from Chairman Powell to Jane R. Borje, Chairman, National Telecommunications Commission, Philippines, which states that the Commission does not review “interim” arrangements.

U.S. competition and consumers.<sup>11</sup> At no time has the scope and breadth of that responsibility or the ISP itself ever been limited to the “Big 3” U.S. international carriers or to those carriers which were the first to request Commission involvement in redressing whipsawing behavior by foreign carriers. As an authorized facilities-based U.S. carrier, Access is no less entitled to the protections of the ISP than are AT&T, WorldCom/MCI and Sprint. It is no answer to Access’s request for accounting rate information needed by it to enforce its right to ISP-compliant settlement rates for those carriers (as well as PLDT) to say the current rates are only “interim” (and therefore none of Access’s business)

Neither has the Commission to date rescinded the important requirement set forth in the March 10 Order subjecting the Philippines to the ISP. The continued applicability of the ISP to the Philippines notwithstanding removal of the stop payment order was specifically articulated by Chairman Powell. In a letter to the Chairman of the Philippines National Telecommunications Commission, Chairman Powell stated as follows:

Once all the Philippine carriers restore circuits, and traffic and payments are flowing, the FCC can begin considering the effect of our second remedy involving the enforcement of the International Settlements Policy on the U.S.-Philippines route. Under the Commission’s administrative process, any modification of the March 10 Order would occur in the proceeding seeking review of that Order. I cannot make a firm commitment as to when the Commission may undertake such action, but be assured that we will move expeditiously once circuits are restored on the route.<sup>12</sup>

To date, no action on requests to remove the Philippines from the list of countries subject to the ISP has been taken, and the ISP remains in effect on that route. As demonstrated by this petition, certain U.S. facilities-based carriers, including Access, remain unable to terminate

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<sup>11</sup> March 10 Order at ¶ 15.

<sup>12</sup> Letter from Michael K. Powell, Chairman, Federal Communications Commission, to the Honorable Armi Jane R. Borje, Chairman National Telecommunications Commission of the Philippines, dated October 15, 2003, at 1.

traffic to the Philippines at ISP-compliant rates notwithstanding the fact that the ISP remains in effect with respect to the Philippines

Accordingly, Access respectfully requests that the Commission issue an order forthwith directing all U S carriers terminating traffic to the Philippines to make publicly available the accounting rates and settlement rates now in effect between those U.S. carriers and PLDT – the dominant carrier in the Philippines, and which have been in effect since the March 10 Order, and to direct PLDT to terminate traffic originated by Access at those settlement rates now in effect. Further, Access respectfully urges the Commission not to remove the Philippines from the list of countries subject to the ISP until such time as it has been demonstrated to the Commission that all U S facilities-based carriers are able terminate traffic to the Philippines at settlement rates which are non-discriminatory

Respectfully submitted,

INTERNATIONAL ACCESS, INC ,  
d/b/a ACCESS INTERNATIONAL



Mitchell F. Brecher

GREENBERG TRAUERIG, LLP  
800 Connecticut Avenue, NW  
Washington, DC 20006  
(202) 331-3100

*Its Counsel*

March 12, 2004

# Attachment A

GREENBERG  
ATTORNEYS AT LAW  
TRAURIG

Mitchell F. Brecher  
(202) 331-3152  
BrecherM@gtlaw.com

February 17, 2004

**VIA OVERNIGHT MAIL**

James J.R. Talbot, Esq.  
Senior Attorney  
AT&T Corporation  
Room 3A230  
One AT&T Way  
Bedminster, NJ 07921-0572

Re IB Docket No. 03-38 – Service to the Philippines

Dear Mr. Talbot:

This firm represents companies which provide telecommunications service between the United States and the Philippines. In view of our clients' interest in the availability of service to the Philippines and the price for terminating international telecommunications services to the Philippines, we have been closely monitoring the above-captioned docketed proceeding at the Federal Communications Commission.

On March 10, 2003, the FCC issued an order captioned AT&T Corp. Emergency Petition for Settlements Stop Payment Order and Request For Immediate Interim Relief and Petition of WorldCom, Inc. for Prevention of "Whipsawing" On the U.S.-Philippines Route, DA 03-581, released March 10, 2003. In that Order, the FCC directed U.S. carriers having correspondent relationships with certain Philippine carriers to suspend termination payments to those carriers until such time as the FCC issued a public notice that circuits were restored. In addition, the FCC ordered that the Philippines be removed from the list of U.S.-international routes approved for the provision of International Simple Resale.

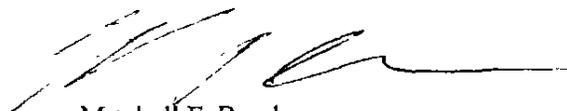
As a result of the FCC's March 10, 2003 Order, the Philippines is no longer among the countries which are exempted from the FCC's International Settlements Policy (see 47 C.F.R. § 64.1001). Accordingly, the Philippines remains a country subject to the International

Settlements Policy and it will remain so until such time as the Commission determines to exclude the Philippines from the countries subject to the International Settlements Policy. As you are aware, a critical element of the FCC's International Settlements Policy is that competing U.S. carriers have access to accounting rates negotiated with the foreign administration on a non-discriminatory basis, *i.e.*, that all U.S. carriers must be offered the same effective accounting rate. Although the FCC has ordered an end to the suspension of payments to Philippine carriers upon the representations of U.S. carriers, including AT&T, that circuits are no longer blocked, the FCC's list of international accounting rates maintained on the FCC International Bureau's website contains no international accounting rate information for the Philippines. Without access to that accounting rate information (information which is intended to be publicly-available), our clients are unable to determine whether they are being allowed to terminate calls to the Philippines at the rates available to other U.S. carriers as mandated by the International Settlements Policy.

In order for this firm's clients to determine whether International Settlement Policy-compliant rates are available to them, they must be able to determine what accounting rates have been agreed upon between AT&T and Philippine carriers. **Accordingly, by this letter, I hereby request on behalf of our clients who provide service to the Philippines the accounting rates now in effect between AT&T and those Philippine carriers who terminate its U.S.-originated traffic in the Philippines.** We understand that those Philippine carriers include, but are not necessarily limited to, the Philippine Long Distance Telephone Company, Globe Telecom, Inc., Bayan Telecommunications Company, Digital Telecommunications Philippines, Inc., Smart Communications, Inc., and Subic Telecom. Because this is a time-sensitive matter, please provide the requested accounting rate information within five (5) business days of the date of this letter.

Thank you for your cooperation on this matter.

Sincerely,



Mitchell F. Brecher

cc. Mr. Donald Abelson  
Mr. James Ball  
Ms. Lisa Choi  
Ms. Kimberly Cook

GREENBERG  
ATTORNEYS AT LAW  
TRAUBIG

Mitchell F. Brecher  
(202) 331-3152  
BrecherM@gtlaw.com

February 17, 2004

**VIA OVERNIGHT MAIL**

Henry Goldberg, Esq.  
Goldberg, Godles, Wiener & Wright  
1229 Nineteenth Street, NW  
Washington, DC 20036

Re: IB Docket No. 03-38 – Service to the Philippines

Dear Mr. Goldberg,

I am writing to you in your capacity as counsel to the Philippine Long Distance Telephone Company in the above-captioned docketed proceeding before the Federal Communications Commission. This firm represents companies which provide telecommunications service between the United States and the Philippines. In view of our clients' interest in the availability of service to the Philippines and the price for terminating international telecommunications services to the Philippines, we have been closely monitoring IB Docket No. 03-38 before the FCC.

On March 10, 2003, the FCC issued an order captioned AT&T Corp. Emergency Petition for Settlements Stop Payment Order and Request For Immediate Interim Relief and Petition of WorldCom, Inc. for Prevention of "Whipsawing" On the U.S.-Philippines Route, DA 03-581, released March 10, 2003. In that Order, the FCC directed U.S. carriers having correspondent relationships with certain Philippine carriers to suspend termination payments to those carriers until such time as the FCC issued a public notice that circuits were restored. In addition, the FCC ordered that the Philippines be removed from the list of U.S.-international routes approved for the provision of International Simple Resale.

As a result of the FCC's March 10, 2003 Order, the Philippines is no longer among the countries which are exempted from the FCC's International Settlements Policy (see 47 C.F.R. § 64.1001). Accordingly, the Philippines remains a country subject to the International

Henry Goldberg, Esq.  
February 17, 2004  
Page 2

Settlements Policy and it will remain so until such time as the Commission determines to exclude the Philippines from the countries subject to the International Settlements Policy. As you are aware, a critical element of the FCC's International Settlements Policy is that competing U.S. carriers have access to accounting rates negotiated with the foreign administration on a non-discriminatory basis, *i.e.*, that all U.S. carriers must be offered the same effective accounting rate. Although the FCC has ordered an end to the suspension of payments to Philippine carriers upon the representations of U.S. carriers that circuits are no longer blocked, the FCC's list of international accounting rates maintained on the FCC International Bureau's website contains no international accounting rate information for the Philippines. Without access to that accounting rate information (information which is intended to be publicly-available), our clients are unable to determine whether they are being allowed to terminate calls to the Philippines, including calls terminated by your client, at the rates available to other U.S. carriers as mandated by the International Settlements Policy.

In order for this firm's clients to determine whether International Settlement Policy-compliant rates are available to them, they must be able to determine what accounting rates have been agreed upon between U.S. carriers and Philippine carriers, including PLDT. **Accordingly, by this letter, I hereby request on behalf of our clients who provide service to the Philippines the accounting rates now in effect between U.S. carriers and those Philippine carriers, including PLDT, who terminate its U.S.-originated traffic in the Philippines.** Because this is a time-sensitive matter, please provide the requested accounting rate information within five (5) business days of the date of this letter.

Thank you for your cooperation on this matter

Sincerely,



Mitchell F. Brecher

cc Mr. Donald Abelson  
Mr. James Ball  
Ms. Lisa Choi  
Ms. Kimberly Cook

GREENBERG  
ATTORNEYS AT LAW  
TRAURIG

Mitchell F. Brecher  
(202) 331-3152  
BrecherM@gtlaw.com

February 17, 2004

**VIA OVERNIGHT MAIL**

Maria L. Cattafesta, Esq.  
Senior Attorney  
Sprint Corporation  
401 9<sup>th</sup> Street, NW  
Washington, DC 20004

Re IB Docket No. 03-38 – Service to the Philippines

Dear Ms. Cattafesta

This firm represents companies which provide telecommunications service between the United States and the Philippines. In view of our clients' interest in the availability of service to the Philippines and the price for terminating international telecommunications services to the Philippines, we have been closely monitoring the above-captioned docketed proceeding at the Federal Communications Commission.

On March 10, 2003, the FCC issued an order captioned AT&T Corp. Emergency Petition for Settlements Stop Payment Order and Request For Immediate Interim Relief and Petition of WorldCom, Inc. for Prevention of "Whipsawing" On the U.S.-Philippines Route, DA 03-581, released March 10, 2003. In that Order, the FCC directed U.S. carriers having correspondent relationships with certain Philippine carriers to suspend termination payments to those carriers until such time as the FCC issued a public notice that circuits were restored. In addition, the FCC ordered that the Philippines be removed from the list of U.S.-international routes approved for the provision of International Simple Resale.

As a result of the FCC's March 10, 2003 Order, the Philippines is no longer among the countries which are exempted from the FCC's International Settlements Policy (see 47 C.F.R. § 64.1001). Accordingly, the Philippines remains a country subject to the International

Maria L. Cattafesta, Esq.  
February 17, 2004  
Page 2

Settlements Policy and it will remain so until such time as the Commission determines to exclude the Philippines from the countries subject to the International Settlements Policy. As you are aware, a critical element of the FCC's International Settlements Policy is that competing U.S. carriers have access to accounting rates negotiated with the foreign administration on a non-discriminatory basis, *i.e.*, that all U.S. carriers must be offered the same effective accounting rate. Although the FCC has ordered an end to the suspension of payments to Philippine carriers upon the representations of U.S. carriers, including Sprint, that circuits are no longer blocked, the FCC's list of international accounting rates maintained on the FCC International Bureau's website contains no international accounting rate information for the Philippines. Without access to that accounting rate information (information which is intended to be publicly-available), our clients are unable to determine whether they are being allowed to terminate calls to the Philippines at the rates available to other U.S. carriers as mandated by the International Settlements Policy.

In order for this firm's clients to determine whether International Settlement Policy-compliant rates are available to them, they must be able to determine what accounting rates have been agreed upon between Sprint and Philippine carriers. **Accordingly, by this letter, I hereby request on behalf of our clients who provide service to the Philippines the accounting rates now in effect between Sprint and those Philippine carriers who terminate its U.S.-originated traffic in the Philippines.** We understand that those Philippine carriers include, but are not necessarily limited to, the Philippine Long Distance Telephone Company, Globe Telecom, Inc., Bayan Telecommunications Company, Digitel Telecommunications Philippines, Inc., Smart Communications, Inc., and Subic Telecom. Because this is a time-sensitive matter, please provide the requested accounting rate information within five (5) business days of the date of this letter.

Thank you for your cooperation on this matter.

Sincerely,



Mitchell F. Brecher

cc: Mr. Donald Abelson  
Mr. James Ball  
Ms. Lisa Choi  
Ms. Kimberly Cook

GREENBERG  
ATTORNEYS AT LAW  
TRAURIG

Mitchell F. Brecher  
(202) 331-3152  
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February 17, 2004

**VIA OVERNIGHT MAIL**

Scott A. Shefferman, Esq.  
Associate Counsel  
International Affairs  
Law & Public Policy  
WorldCom, Inc. d/b/a MCI  
1133 19<sup>th</sup> Street, NW  
Washington, DC 20036

Re IB Docket No. 03-38 – Service to the Philippines

Dear Mr. Shefferman:

This firm represents companies which provide telecommunications service between the United States and the Philippines. In view of our clients' interest in the availability of service to the Philippines and the price for terminating international telecommunications services to the Philippines, we have been closely monitoring the above-captioned docketed proceeding at the Federal Communications Commission.

On March 10, 2003, the FCC issued an order captioned AT&T Corp. Emergency Petition for Settlements Stop Payment Order and Request For Immediate Interim Relief and Petition of WorldCom, Inc. for Prevention of "Whipsawing" On the U.S.-Philippines Route, DA 03-581, released March 10, 2003. In that Order, the FCC directed U.S. carriers having correspondent relationships with certain Philippine carriers to suspend termination payments to those carriers until such time as the FCC issued a public notice that circuits were restored. In addition, the FCC ordered that the Philippines be removed from the list of U.S.-international routes approved for the provision of International Simple Resale.

As a result of the FCC's March 10, 2003 Order, the Philippines is no longer among the countries which are exempted from the FCC's International Settlements Policy (see 47 C.F.R. § 64.1001). Accordingly, the Philippines remains a country subject to the International

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PHILADELPHIA PHOENIX TALLAHASSEE TYSONS CORNER WASHINGTON, D.C. WEST PALM BEACH WILMINGTON ZURICH

Scott A. Shefferman, Esq.  
February 17, 2004  
Page 2

Settlements Policy and it will remain so until such time as the Commission determines to exclude the Philippines from the countries subject to the International Settlements Policy. As you are aware, a critical element of the FCC's International Settlements Policy is that competing U.S. carriers have access to accounting rates negotiated with the foreign administration on a non-discriminatory basis, *i.e.*, that all U.S. carriers must be offered the same effective accounting rate. Although the FCC has ordered an end to the suspension of payments to Philippine carriers upon the representations of U.S. carriers, including MCI, that circuits are no longer blocked, the FCC's list of international accounting rates maintained on the FCC International Bureau's website contains no international accounting rate information for the Philippines. Without access to that accounting rate information (information which is intended to be publicly-available), our clients are unable to determine whether they are being allowed to terminate calls to the Philippines at the rates available to other U.S. carriers as mandated by the International Settlements Policy.

In order for this firm's clients to determine whether International Settlement Policy-compliant rates are available to them, they must be able to determine what accounting rates have been agreed upon between MCI and Philippine carriers. **Accordingly, by this letter, I hereby request on behalf of our clients who provide service to the Philippines the accounting rates now in effect between MCI and those Philippine carriers who terminate its U.S.-originated traffic in the Philippines.** We understand that those Philippine carriers include, but are not necessarily limited to, the Philippine Long Distance Telephone Company, Globe Telecom, Inc., Bayan Telecommunications Company, Digital Telecommunications Philippines, Inc., Smart Communications, Inc., and Subic Telecom. Because this is a time-sensitive matter, please provide the requested accounting rate information within five (5) business days of the date of this letter.

Thank you for your cooperation on this matter.

Sincerely,



Mitchell F. Brecher

cc Mr Donald Abelson  
Mr James Ball  
Ms Lisa Choi  
Ms Kimberly Cook

# **Attachment B**



James J.R. Talbot  
Senior Attorney  
AT&T Federal Government Affairs

1120 20th Street, NW  
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Washington, DC 20036  
202 457-2131  
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February 24, 2004

**VIA FAX 202-331-3101**

Mitchell F Brecher, Esq  
Greenberg Traurig, LLP  
800 Connecticut Avenue, N W  
Suite 500  
Washington, D C 20006

Re IB Docket No 03-38.

Dear Mr Brecher

Your letter dated February 17, 2004 refers to the FCC order released on March 10, 2003 in the above-referenced proceeding and asks for details of AT&T's accounting rates with Philippine carriers terminating U.S -originated traffic in the Philippines

AT&T has interim arrangements with Philippine carriers terminating U S -originated traffic in the Philippines Those arrangements are commercially sensitive and proprietary and are not filed with the FCC Chairman Powell has recently stated

"We understand that U S carriers are currently negotiating interim arrangements with Philippine carriers for payment of services *As interim arrangements are not the final agreements required to be submitted to the Commission under our rules, we do not review those agreements*" Letter dated Oct 15, 2003, from Michael K Powell, Chairman, Federal Communications Commission, to Jane R. Borje, Chairman, National Telecommunications Commission, Philippines (emphasis added)

We are therefore unable to provide details of these interim arrangements However, based on your representation that your clients provide service on the U S - Philippines route, we will add your name to the service list for copies of all information concerning accounting rates with the Philippines that AT&T serves on other U S. carriers providing service on this route

Sincerely,

James J R Talbot

Mitchell F Brecher, Esq  
February 24, 2004  
Page 2

cc Donald Abelson  
James Ball  
Lisa Choi  
Kimberly Cook



David A. Nall  
General Attorney

DCWAS10101  
401 9th Street, NW Suite 400  
Washington, D.C. 20001  
Voice 202 585 1916  
Fax 202 585 1897  
david.a.nall@mail.sprint.com

March 5, 2004

Mitchell F. Brecher  
Greenberg Traurig, LLP  
800 Connecticut Avenue, N.W.  
Suite 500  
Washington, D.C. 20006

Re Accounting Rates for Service to the Philippines

Dear Mr. Brecher:

Thank you for your letter of February 17, 2004, addressed to my colleague, Maria Cattafesta. As the attorney in the Federal Regulatory Affairs group responsible for international settlements matters, I am replying in her stead.

Sprint has complied and will continue to comply with all aspects of the Federal Communications Commission's rules regarding international settlements payments and the March 10, 2003 Order of the Commission's International Bureau regarding traffic to the Philippines. Sprint has not reached a final settlements agreement with any of the six Philippines carriers affected by the March 10 Order. When such agreements are reached, Sprint will comply with the procedures set forth in Sections 43.51 and 64.1001 of the Commission's rules. We will be happy to notify you at such time.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Nall", written in a cursive style.

David A. Nall

LAW OFFICES  
**GOLDBERG, GODLES, WIENER & WRIGHT**  
1229 NINETEENTH STREET, N.W  
WASHINGTON, D C 20036-2413

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general@g2w2.com  
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\*NOT ADMITTED IN D.C.

February 24, 2004

Mitchell Brecher  
Greenberg Traurig, LLP  
800 Connecticut Avenue, NW  
Suite 500  
Washington, DC 20006

RE IB Docket No 03-38 - Service to the Philippines

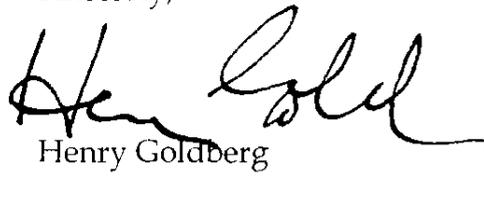
Dear Mr. Brecher

This letter is in response to your letter to me dated February 17, 2004.

At this time my client, PLDT, has only interim agreements with U.S. carriers for the termination of international telecommunications traffic from the U.S. to the Philippines, which we understand are not required to be made public. If any of your clients would like to enter into similar interim agreements with PLDT, we suggest that their business representatives contact PLDT directly so that negotiation of such an agreement can be arranged.

I presume that your clients already have business contacts with PLDT. If not, please let us know and we will be happy to put them in touch with the appropriate PLDT business representatives.

Sincerely,



Henry Goldberg

cc Mr. Donald Abelson  
Mr. James Ball  
Ms. Lisa Choi  
Ms. Kimberly Cook

**CERTIFICATE OF SERVICE**

I, Michelle D Diedrick, an Executive Assistant with the law firm of Greenberg Traurig, LLP, hereby certify that on March 12, 2004, a true and correct copy of the foregoing Petition for Enforcement of March 10, 2003 Order was delivered to the following:

**Via U.S. Postal Mail to:**

James J R. Talbot, Esquire  
AT&T  
1120 20<sup>th</sup> Street, NW  
Suite 1000  
Washington, D C 20036

Scott A Shefferman, Esquire  
WorldCom, Inc d/b/a MCI  
1133 19<sup>th</sup> Street, NW  
Washington, D.C. 20036

David A. Nall, Esquire  
Sprint  
401 9<sup>th</sup> Street, NW  
Suite 400  
Washington, D C 20004

Henry Goldberg, Esquire  
Goldberg, Godles, Wiener & Wright  
1229 19<sup>th</sup> Street, NW  
Washington, D C 20036  
*Attorney for Philippine Long Distance  
Telephone Company*

**Via Hand Delivery to:**

Marlene H Dortch, Secretary  
Federal Communications Commission  
236 Massachusetts Avenue, NE  
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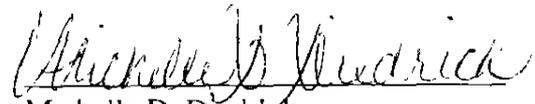
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