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April 14, 2004

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, NW  
Washington, D.C. 20554

Re: IB Docket No. 03-38 – Notice of Ex Parte Presentation

Dear Ms. Dortch:

On April 14, 2004, Mr. William Wade, President, International Access, Inc. d/b/a Access International, and I met with Mr. James Ball, Ms. Alexandra Field, Ms. Lisa Choi and Ms. Kimberly Cook, all of the International Bureau's Policy Division. During this meeting, we discussed Access International's Petition for Enforcement of March 10, 2003 Order, filed in the above-captioned docket, and Access International's views on the state of competition on the U.S. – Philippines route. We provided a handout which summarizes Access International's position regarding the current unavailability of accounting rate information on the U.S. – Philippines route and the need for continued enforcement of the International Settlements Policy on that route. A copy of that handout is enclosed herewith.

Pursuant to Section 1.1206(b) of the Commission's Rules, this notice is being filed electronically in the above-captioned dockets. If you have any questions regarding this matter, please communicate directly with undersigned counsel for Access International.

Sincerely,



Mitchell F. Brecher

Enclosure

cc: Mr. James Ball  
Ms. Alexandra Field  
Ms. Kimberly Cook  
Ms. Lisa Choi

**INTERNATIONAL ACCESS INC.  
d/b/a ACCESS INTERNATIONAL**

**MEETING WITH INTERNATIONAL BUREAU  
POLICY DIVISION**

**Re: IB Docket No. 03-38  
April 14, 2004**

1. International Access Inc. d/b/a Access International (“Access”) – Since 1994, Access has provided international service as a “carrier’s carrier” providing wholesale service to smaller carriers, primarily selling service between the U.S. and the Philippines. It has been a facilities-based provider since 1999 and now is among the 5 leading providers of service between the U.S. and the Philippines.

2. Relationship with Philippine Long Distance Telephone Company (PLDT) – Access has attempted to do business with PLDT. But PLDT has engaged in conduct to drive Access and other U.S. carriers from the market:

- In 1999, Access and PLDT entered into a strategic relationship which included Access constructing a facility for PLDT in Los Angeles and connecting it with an international cable facility at the San Luis Obispo, California terminal point.
- Once PLDT no longer “needed” relationships with U.S. carriers, it began to engage in conduct to eliminate those carriers (including Access) as competitors. PLDT successfully engaged in similar wrongful conduct in Hong Kong. Access is one of several U.S. Section 214-certificated carriers which have been subject to PLDT’s anticompetitive conduct. Such conduct has included:
  - a. Unfair pricing;
  - b. Favoritism and discrimination;
  - c. Diminished service quality;
  - d. Inaccurate and fraudulent billing;
  - e. Withholding of toll free numbers;
  - f. Special and preferential arrangements with its U.S. affiliate (PLDT U.S.).

3. International Settlements Policy (ISP) requires publicly-available, non-discriminatory settlement arrangements.

- Major U.S. carriers (AT&T, Sprint, MCI WorldCom) and PLDT have all refused to provide Access with information about the **current** settlement rates in effect for traffic on the route, as required by ISP.
- Carriers have claimed improperly that they are not required to comply with the ISP requirements on the basis that those arrangements are “interim.”
- Without access to that settlement rate information, Access is unable to determine what is the currently-applicable rate.

4. Requested relief:

- Order U.S. carriers to file current settlement rates
- Enforce the ISP (which remains in effect on the U.S. – Philippines route) against all subject carriers, including PLDT US.
- Do not grant requests to remove the Philippines from the list of countries to which the ISP remains applicable until such time as the Commission determines that the U.S.-Philippine route is open to competition, that U.S. carriers and Philippine carriers are in compliance with ISP.
- Revocation of Section 214 authorization held by PLDT’s affiliate, PLDT U.S.