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VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-B204
Washington, D.C. 20554

Att: Mr. James Ball
Chief, Policy Division
International Bureau

Re: Request for Further Information Regarding IB
Docket Nos. 03-38, 02-324, 96-261

Dear Ms. Dortch:

On behalf of our client, International Access, Inc. d/b/a Access International (Access), this office has reviewed the responses of AT&T, MCI and Sprint, to the International Bureau's letters dated February 23, 2005 in the above-captioned proceedings, as well as the supplemental responses of AT&T and Sprint to the Bureau's requests to those carriers for additional information. It is clear from those responses that none of the "Big 3" U.S. international carriers have been able to enter into permanent settlement arrangements with the Philippine Long Distance Telephone Company (PLDT) or with any other Philippine carriers which comply with the requirements of the International Settlements Policy (ISP). It has failed to do so notwithstanding the fact that the Commission has deemed it necessary to impose the ISP on the U.S. – Philippines route as a result of conduct engaged in by PLDT – the dominant Philippine carrier, and the other Philippine carriers. That conduct has included disruption of service between the U.S. and the Philippines, and has forced upon U.S. carriers – and ultimately U.S. consumers – fifty percent increases in the settlement rates for termination of traffic to the Philippines.

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As Access explained in its March 11, 2005 response to the Bureau's letter directed to it, Access has been unable even to enter into "interim" arrangements like those currently in effect between AT&T, MCI, and Sprint, and the Philippine carriers. Moreover, during the pendency of this matter, Access has become the subject of additional interference with its efforts to provide service between the U.S. and the Philippines. For example, Access offers wholesale international calling services to other carriers through worldwide travel cards which are sold (among other places) on international flights operated by Philippine Airlines. Access obtains its toll-free numbers from other Philippine carriers. End-users may reach Access's service by dialing toll-free numbers (international toll-free services or "800" numbers) from many locations around the world, including the Philippines. When in the Philippines, end-users utilize Access's services by dialing toll-free numbers from the Philippines. Upon learning that those toll-free numbers are used in connection with international services provided by Access, PLDT has shut down those toll-free numbers thereby making Access's calling cards unusable in the Philippines and diminishing their economic value throughout the world, and interfering with a contractual relationship which exists between Access and Philippine Airlines. These events are the latest developments in the continuing efforts by PLDT to impede Access's ability to provide service, some of which were alluded to in our March 11, 2005 letter.

It is clear from the responses to the Bureau's letters that PLDT and the other Philippine carriers have no intention of entering into permanent (and public) settlement agreements with any U.S. carriers until such time as the Commission accedes to the demands of those carriers to remove the ISP from the U.S.-Philippines route. Until that time, the settlement arrangements between PLDT and those few U.S. carriers fortunate enough to have traffic termination agreements with PLDT will remain "interim," unfiled and secret. While Access has no reason to doubt the representations of the carriers that the current interim, unfiled and secret rates are below benchmark, there seems to be little doubt that the rates are higher than they were in early 2003 when the Philippine carriers engaged in systematic traffic disruption for the express purpose of forcing increases in the settlement rates. In short, it is apparent that those carriers want the Commission to reward their wrongful conduct by giving them the flexibility to negotiate secret and possibly discriminatory arrangements with those select U.S. carriers with whom they are willing to do business while excluding from the market Access and other U.S. carriers.

For the reasons stated herein as well as those addressed in Access's March 11, 2005 letter, it respectfully urges the Commission not acquiesce in the pleas of PLDT and a few U.S. carriers to eliminate the ISP on the U.S. - Philippines route until such time as 1) permanent, filed and publicly-available settlement arrangements are in effect; and 2) until the Commission becomes satisfied based upon a thorough investigation that PLDT is no longer using its retained market power to limit the number of U.S. carriers which may provide service to the Philippines and is no longer engaging in disruptive behavior to extract further settlement rate increases from U.S. carriers and U.S. consumers.

Respectfully submitted,



Mitchell F. Brecher

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