



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

MAILED
JUL 14 2011

FCC Mail Room

DOCKET FILE COPY ORIGINAL

DA 11-1182
Released: July 11, 2011

INTERNATIONAL BUREAU SEEKS COMMENT ON DRAFT FILING MANUAL FOR PROPOSED SECTION 43.62 REPORTS

IB Docket No. 04-112

Comment Date: (30 days after publication of the Further Notice of Proposed Rulemaking in the Federal Register)

Reply Comment Date: (45 days after publication of the Further Notice of Proposed Rulemaking in the Federal Register)

On May 13, 2011, the Commission released a First Report and Order and Further Notice of Proposed Rulemaking in IB Docket No. 04-112.¹ In the First Report and Order, the Commission eliminated a number of international reporting requirements.² The Commission also sought comment on several changes to modernize and streamline the reports in the Further Notice of Proposed Rulemaking (FNPRM).³

As discussed in the FNPRM, the International Bureau has prepared a draft Manual for Filing Section 43.62 Annual Reports ("Draft Filing Manual").⁴ The attached Draft Filing Manual sets forth proposed instructions on how to file annual reports under section 43.62 if the Commission adopts all of the changes to the international reporting requirements discussed in the FNPRM. (The Commission, of course, may adopt only some of those changes, may adopt different changes based on the record in the proceeding, or may not adopt any of the proposed changes.) We seek comment on the Draft Filing Manual.

¹ *Reporting Requirements for U.S. Providers of International Telecommunications Services; Amendment of Part 43 of the Commission's Rules*, IB Docket No. 04-112, First Report and Order and Further Notice of Proposed Rulemaking, FCC 11-76 (rel. May 13, 2011) (*FR&O/FNPRM*).

² Specifically, the Commission eliminated: (1) the quarterly traffic and revenue reports for large carriers (47 C.F.R. § 43.61(b)); (2) the quarterly traffic and revenue reports for foreign-affiliated switched resale carriers (47 C.F.R. § 43.61(c)); (3) the circuit-addition report (47 C.F.R. § 63.23(e)); (4) the telegraph toll division report (47 C.F.R. § 43.53); and (5) the requirement to file a traffic and revenue report or circuit-status report for traffic between the continental United States and off-shore U.S. points (*e.g.*, Guam, the U.S. Virgin Islands, etc.) or between off-shore U.S. points, or to file separate reports for off-shore U.S. points. *See FR&O/FNPRM*.

³ *Id.*

⁴ *Id.* at ¶ 62.

The Commission stated that interested parties may include their comments on the proposed Draft Filing Manual with their comments on the FNPRM.⁵ Consequently, we shall use the same pleading cycle for comments on the Draft Filing Manual as those for the FNPRM – comments may be filed on or before 30 days after publication of the FNPRM in the Federal Register, and reply comments on or before 45 days after Federal Register publication.⁶

***Ex Parte* Presentations**

The proceeding this Public Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with Section 1.1206(b). In proceedings governed by Section 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Comment Filing Procedures

Comments on the Draft Filing Manual should be filed in IB Docket No. 04-112. Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- § Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- § Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

⁵ *Id.*

⁶ *See id.* at ¶ 148.

⁷ 47 C.F.R. §§ 1.1200 *et seq.*

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- § All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- § Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- § U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

All parties must file one copy of each pleading electronically or by paper to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.
- (2) James Ball, Chief, Policy Division, International Bureau, 445 12th Street, S.W., Washington, D.C. 20554; e-mail: James.Ball@fcc.gov;
- (3) David Krech, Associate Chief, Policy Division, International Bureau, 445 12th Street, S.W., Washington, D.C. 20554; e-mail: David.Krech@fcc.gov;
- (4) John F. Copes, Attorney, Policy Division, International Bureau, 445 12th Street, S.W., Washington, D.C. 20554; e-mail John.Copes@fcc.gov;
- (5) Sean O'More, Attorney, Policy Division, International Bureau, 445 12th Street, S.W., Washington, D.C. 20554; e-mail Sean.O'More.Uretsky@fcc.gov; and,
- (6) Mark Uretsky, Economist, Policy Division, International Bureau, 445 12th Street, S.W., Washington, D.C. 20554; e-mail Mark.Uretsky@fcc.gov.

Filings and comments will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpiweb.com. They will also be accessible through the Commission's Electronic Filing System (ECFS) on the Commission's website, www.fcc.gov.

Comments and reply comments must include a short and concise summary of the substantive arguments raised in the pleading. Comments and reply comments must also comply with section 1.49 and all other applicable sections of the Commission's rules.⁸ All parties are encouraged to utilize a table

⁸ 47 C.F.R. § 1.49.

of contents, to include the name of the filing party and the date of the filing on each page of their comments' length of their submission.

Commenters that file what they consider to be proprietary information may request confidential treatment pursuant to section 0.459 of the Commission's rules. Commenters should file both their original comments for which they request confidentiality and redacted comments, along with their request for confidential treatment. Commenters should not file proprietary information electronically. *See Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816 (1998), Order on Reconsideration, 14 FCC Rcd 20128 (1999). Even if the Commission grants confidential treatment, information that does not fall within a specific exemption pursuant to the Freedom of Information Act (FOIA) must be publicly disclosed pursuant to an appropriate request. *See* 47 C.F.R. § 0.461; 5 U.S.C. § 552. We note that the Commission may grant requests for confidential treatment either conditionally or unconditionally. As such, we note that the Commission has the discretion to release information on public interest grounds that falls within the scope of a FOIA exemption.

For further information, contact David Krech or Mark Uretsky, Policy Division, International Bureau, at (202) 418-1460.

ATTACHMENT – Draft Manual for Filing Section 43.62 Annual Reports

– FCC –

DRAFT MANUAL FOR FILING SECTION 43.62 ANNUAL REPORTS

July 2011

TABLE OF CONTENTS

Heading	Paragraph #
I. INTRODUCTION AND SUMMARY	1
II. FILING REQUIREMENTS.....	6
A. Who Must File Section 43.62 Reports?.....	6
1. Who Must File the Services Report?	8
2. Who Must File a Traffic and Revenue Report?	9
3. Who must file a Circuit Status Report?	12
4. Filing Guide	13
B. Filing Requirements for Merged Entities	14
C. Affiliated Corporations File by Legal Entity.....	15
D. Filing Date.....	18
E. Filing Format and Certification Form	20
F. Certification by an Officer	21
G. Reporting Period.....	24
H. Rounding of Numbers and Negative Numbers	25
I. Accrual Basis of Accounting.....	27
J. Estimation.....	28
K. Revisions	29
L. Record Keeping.....	33
M. Compliance.....	34
N. Public Availability of Filed Information	35
III. SERVICES REPORT	37
A. The Registration Form.....	38
B. The Services Checklist	39
IV. TRAFFIC AND REVENUE REPORT (SCHEDULES 1-4).....	40
A. Reporting of International Telecommunications Service and International Interconnected VoIP Service.....	42
1. Reporting of IMTS (Schedules 1 and 2).....	43
a. Classification of calls as Facilities IMTS or IMTS Resale	47
(i) Facilities IMTS	48
(a) PSTN to PSTN calls using circuit-switched technology	50
(b) VoIP to PSTN calls	56
(c) PSTN to PSTN calls using VoIP technology	61
(d) PSTN to VoIP calls	64
(e) VoIP to VoIP calls over the PSTN.....	66
(ii) IMTS Resale	68
b. Classification of IMTS calls as U.S.-Billed, Foreign-Billed or Traditional Transiting IMTS.....	72
c. Reporting of IMTS	77
(i) Reporting of Facilities IMTS.....	78
(ii) Reporting of IMTS Resale.....	83
d. Specialized Calling Arrangements	85

(i) Traditional Transiting IMTS.....	85
(ii) Reoriginated Foreign IMTS.....	87
(iii) Spot Market Traffic	92
(iv) Country-Beyond and Related Services	97
(v) Country-Direct and Related Services.....	100
2. Reporting of International Private Line Service (Schedule 3)	103
3. Reporting of International Miscellaneous Services (Schedule 4).....	107
B. Reporting by Foreign Point	110
1. Identification of Foreign Point for IMTS Reporting.....	114
2. Identification of Foreign Point for International Private Line Service	117
C. International Service Data – Technical Descriptions and Additional Filing Requirements.....	118
1. Customer Revenue	119
a. General Matters	119
b. Allocation Procedures for Customer Revenue	125
2. IMTS Data to be Filed (Schedules 1 and 2).....	130
a. Facilities IMTS Minutes.....	130
b. U.S.-Billed IMTS Revenues.....	132
(i) Identification of Facilities IMTS and IMTS Resale Revenue.....	134
(ii) Prepaid Calling Cards	135
c. Disaggregation of IMTS Minutes and Revenues by Customer Category	136
d. Reporting of Settlement Amounts	141
(i) Settlement Payouts.....	144
(ii) Settlement Receipts.....	149
3. International Private Line Service Data to be Filed (Schedule 3).....	151
a. Reporting of International Private Line Service by 64 kilobits per second Circuits	152
b. Reporting of International Private Line Service Revenues	154
4. International Miscellaneous Services Data to be Filed (Schedule 4).....	157
V. ANNUAL CIRCUIT STATUS REPORT (SCHEDULE 5).....	158

LIST OF FIGURES

	Paragraph #
Figure 1: Filing Guide	13
Figure 2: Routing Configuration: PSTN to PSTN Calls (Circuit-Switched Technology)	50
Figure 3: Routing Configuration: VoIP to PSTN Calls.....	56
Figure 4: Routing Configuration: PSTN to PSTN Calls (VoIP Technology).....	61
Figure 5: Routing Configuration: PSTN to VoIP Calls.....	64
Figure 6: Routing Configuration: VoIP to VoIP using the PSTN.....	66
Figure 7: Potential Combinations among IMTS Categories	76
Figure 8: 64 Kbps Conversion Table	153

APPENDICES

- APPENDIX A: Section 43.62 Rules
- APPENDIX B: Definitions
- APPENDIX C: Services Report: Registration Form and Services Checklist
- APPENDIX D: Traffic and Revenue Report (Schedules 1-4)
- APPENDIX E: Circuit Status Report (Schedule 5)
- APPENDIX F: Certification Form

I. INTRODUCTION AND SUMMARY

1. Section 43.62 of the Commission's rules, 47 C.F.R. § 43.62, sets forth the annual reporting requirements that apply to all persons or entities that hold, or are required to hold, an authorization from the Commission under section 214 of the Communications Act of 1934 (Communications Act), as amended, 47 U.S.C. § 214, to provide international telecommunications service (international section 214 authorization); to all persons or entities providing interconnected voice over Internet protocol (VoIP) service between the United States and a foreign point; and to all persons or entities owning international facilities between the United States and a foreign point.¹

2. Based on the requirements of section 43.62, this Filing Manual provides the directions for completing three annual international reports: the Services Report; the Traffic and Revenue Report; and the Circuit Status Report. The Commission compiles the data filed pursuant to section 43.62 in FCC statistical reports that it publishes annually.

3. This Filing Manual sets forth instructions on how to file the section 43.62 reports. It explains who must file, which of the reports to file, the information that each report must contain, and the filing procedures. The Filing Manual is organized as follows: Section I provides a brief introduction and summary of the Filing Manual. Section II describes who must file each of the three annual reports, how they must file, and related matters. Section III sets forth filing instructions for the Services Report. Section IV sets forth filing instructions for the Traffic and Revenue Report. Section V sets forth filing instructions for the Circuit Status Report. Also included are the following appendices: (A) the text of section 43.62 of the Commission's rules; (B) definitions of terms used in this Filing Manual;² (C) the Services Report (the Registration Form and the Services Checklist); (D) the Traffic and Revenue Report (Schedules 1-4); (E) the Circuit Status Report (Schedule 5); and (F) the Certification Form.

4. This Filing Manual adopts the following terminology to refer to the various persons and entities subject to section 43.62 filing requirements. A U.S. International Carrier is defined as any person or entity in the United States that provides telecommunications on a common carrier basis between the United States and a Foreign Point, *i.e.*, any person or entity in the United States that provides International Telecommunications Service.³ A U.S. International Interconnected VoIP Service Provider is defined as a person or entity in the United States that provides Interconnected VoIP Service between the United States and a Foreign Point, *i.e.*, any person or entity in the United States that provides International Interconnected VoIP Service. A U.S. International Service Provider is defined as a U.S. International Carrier or a U.S. International Interconnected VoIP Service Provider. A U.S. International Authorization Holder is defined as a person or entity that has received authorization from the FCC under section 214 of the Communications Act, 47 U.S.C. § 214, to provide International Telecommunications Service.

¹ See *Reporting Requirements for U.S. Providers of International Telecommunications Services, Amendment of Part 43 of the Commission's Rules*, IB Docket No. 04-112, First Report and Order and Further Notice of Proposed Rulemaking, FCC 11-76, rel. May 13, 2011.

² Terms that are defined in Appendix B are capitalized in the text of the Filing Manual.

³ Any person or entity that carries international traffic into or out of the United States on a common carrier basis is a U.S. International Carrier and must have international section 214 authority, 47 U.S.C. § 214. The term U.S. International Carrier includes any person or entity that may be providing International Telecommunications Service without having obtained an appropriate international section 214 authorization. Any such person or entity is in violation of the Communications Act and is advised to obtain such authorization immediately. 47 U.S.C. § 214.

A person or entity with an Owned International Facility refers to a person or entity that owns or leases an International Facility connected to a U.S. International Connection Point, subject to certain qualifications described in section V of the Filing Manual. A Filing Entity is defined as any person or entity that is required to file information with the FCC pursuant to section 43.62 of the Commission's rules, 47 C.F.R. § 43.62, as described in this Filing Manual.

5. The term "United States" means "the several States and Territories, the District of Columbia, and the possessions of the United States, but does not include the Canal Zone."⁴

II. FILING REQUIREMENTS

A. Who Must File Section 43.62 Reports?

6. This section of the Filing Manual describes in detail who must file each of the three section 43.62 reports. Entities that solely provide domestic service need not file, including connecting local exchange and commercial mobile radio service (CMRS) carriers that provide access to long-distance service providers and render bills to customers in the name of service providers, but do not resell the international service of service providers.

7. Briefly, any U.S. International Authorization Holder, whether or not it provided any International Telecommunications Service during the preceding calendar year (the reporting period), as well as any U.S. International Service Provider that provided service during the reporting period, and any person or entity with an Owned International Facility, must file annually the Services Report. Except in certain circumstances described in paragraph 10 of the Filing Manual, any U.S. International Service Provider that provided International Telecommunications Service or International Interconnected VoIP Service during the reporting period must file a Traffic and Revenue Report, whether such provider operated by using its own facilities or by reselling the facilities or services of another provider. Any person or entity with an Owned International Facility as of December 31 of the reporting period must file the Circuit Status Report.

1. Who Must File the Services Report?

8. Pursuant to section 43.62, the following persons or entities must file the Services Report for each reporting period: (a) every U.S. International Authorization Holder, whether or not it provided any International Telecommunications Service during the reporting period; (b) every U.S. International Interconnected VoIP Service Provider that provided International Interconnected VoIP Service during the reporting period; and (c) every person or entity with an Owned International Facility as of December 31 of the reporting period. Every new or revised section 43.62 filing must contain a Services Report, which consists of a Registration Form and a Services Checklist.

2. Who Must File a Traffic and Revenue Report?

9. Except as noted in this section of the Filing Manual, any person or entity in the United States that provided International Telecommunications Service during the reporting period must file a Traffic and Revenue Report (described in section IV of the Filing Manual) pursuant to section 43.62(a)(2) of the Commission's rules. The Traffic and Revenue Report consists of four schedules (Schedules 1-4) that each U.S. International Service Provider must use to provide data regarding the minutes, revenues, Settlement Receipts, Settlement Payouts, and circuit-use for international services that it provided during the reporting period. U.S. International Service Providers must use Schedules 1 and 2 to report information for International Message Telephone

⁴ 47 U.S.C. § 153.

Service (IMTS), including International Interconnected VoIP Service. U.S. International Carriers must use Schedule 3 to report information for International Private Line Service and Schedule 4 to report information for International Miscellaneous Services.

10. A U.S. International Service Provider that earned less than \$5 million in IMTS Resale revenue⁵ and did not earn any Facilities IMTS revenue during the reporting period is not required to report data for IMTS Resale on its Traffic and Revenue Report. If, in addition, such a provider did not earn any International Private Line Service revenue and did not earn \$5 million or more in revenue for any International Miscellaneous Service offering during the reporting period, the provider satisfies the requirements of section 43.62(a)(2) by filing only the Services Report. However, if a U.S. International Service Provider earned less than \$5 million in IMTS Resale revenue during the reporting period and also earned Facilities IMTS revenue during the reporting period, the provider is required to report data for IMTS Resale as well as Facilities IMTS.

11. A U.S. International Carrier that earned less than \$5 million in revenue for an International Miscellaneous Service offering during the reporting period, need not file data for that service on its Traffic and Revenue Report. Each carrier must, however, file data for any International Miscellaneous Service offering for which it earned \$5 million or more in revenue during the reporting period.

3. Who must file a Circuit Status Report?

12. Section 43.62 (a)(3) requires each person or entity with an Owned International Facility during the preceding calendar year to file a Circuit Status Report (described in section V of the Filing Manual) showing circuit-capacity data as of December 31 of that year for all of its Owned International Facilities. The Circuit Status Report consists of Schedule 5. Persons or entities that did not have an Owned International Facility on December 31 need not file Schedule 5.

4. Filing Guide

13. Figure 1 summarizes the major types of international services provided by U.S. International Service Providers and the filing requirements for each. Figure 1 also summarizes the filing requirement for a person or entity with Owned International Facilities. The list is meant as a guide only, and readers should refer to the text of the Filing Manual for detailed descriptions of services and filing requirements. Sections IV and V of the Filing Manual contain a detailed description of the various international services and facilities for which reporting is required.

⁵ Revenue refers to Customer Revenue, as defined in Appendix B.

**Figure 1
Filing Guide**

International Service	Schedules to Be Filed	
	Less than \$5 million in revenue	\$5 million or greater in revenue
U.S.-Billed IMTS provided on a Facilities IMTS basis	Services Report Schedule 1 Schedule 2	Services Report Schedule 1 Schedule 2
U.S.-Billed IMTS provided on an IMTS Resale basis	Services Report	Services Report Schedule 2
Foreign-Billed IMTS	Services Report Schedule 1	Services Report Schedule 1
Traditional Transiting IMTS	Services Report Schedule 2	Services Report Schedule 2
Reoriginated Foreign IMTS	Services Report Schedule 1 Schedule 2	Services Report Schedule 1 Schedule 2
International Private Line Service	Services Report Schedule 3	Services Report Schedule 3
International Miscellaneous Services	Services Report	Services Report Schedule 4
Owned International Facilities	Services Report Schedule 5	Services Report Schedule 5

B. Filing Requirements for Merged Entities

14. Where two or more Filing Entities have merged into a single legal entity during the annual reporting period, the successor (*i.e.*, merged) company shall file a single aggregated section 43.62 report that covers the combined operations of the merged companies during the reporting period, including operations prior to the date of the merger. If the merger occurs after the reporting period, but prior to the filing date, the successor company shall file separate section 43.62 reports for each of the Filing Entities.⁶

C. Affiliated Corporations File by Legal Entity

15. Affiliated entities must file separate section 43.62 reports to the extent that they are considered to be separate legal entities (*i.e.*, they have separate articles of incorporation, articles of formation, or similar legal documents). This requirement parallels the filing requirement under the FCC Form 499-A.⁷ However, where affiliated companies have been

⁶ The reporting period for each annual section 43.62 filing is the calendar year prior to the year in which the annual filing is to be made. Section 43.62 requires Filing Entities to submit the required section 43.62 reports (the Services Report, the Traffic and Revenue Report, and the Circuit Status Report) for the preceding calendar year (the reporting period) on or before May 1 of each year. 47 C.F.R. § 43.62(a). See paragraphs 18 and 24 of the Filing Manual.

⁷ See Federal Communications Commission, Telecommunications Reporting Worksheet, FCC Form 499-A. The filing requirement is explained in Section II.A of the Instructions accompanying Form 499-A at pp. 4-8 (Form 499-A Instructions). Form 499-A and its Instructions are available at <http://www.fcc.gov/Forms/Form499-A/499a-2010.pdf>.

authorized to make a consolidated FCC Form 499-A filing, the companies shall similarly make a consolidated section 43.62 filing.⁸

16. All U.S. telecommunications carriers, including Interconnected VoIP Service providers, are required under the Commission's rules to have a Filer 499 ID⁹ and must include that ID with all their filings under section 43.62. The legal entity or entities responsible for filing data under section 43.62 are the same legal entity or entities identified by the Filer 499 ID. There are some entities that hold an international section 214 authorization or have an Owned International Facility but have not provided any service as a U.S. telecommunications carrier and, therefore, have never obtained a Filer 499 ID. Section 43.62 requires such entities to file the Services Report at the legal entity level. Such entities need not obtain a Filer 499 ID for the purpose of filing the Services Report. If such entities subsequently begin to provide service as a U.S. telecommunications carrier, such entities must obtain a Filer 499 ID for the purpose of filing under section 43.62.

17. The Filer 499 ID is assigned by the Commission's Data Collection Agent after a company files its first FCC Form 499-A. Filer 499 IDs for current Filing Entities can be found at <http://gulfoss2.fcc.gov/cib/form499/499a.cfm> or in the FCC report *Telecommunications Provider Locator*, which is available on the Commission's web site at <http://www.fcc.gov/wcb/iatd/lec.html>.

D. Filing Date

18. Section 43.62 requires Filing Entities to submit the required section 43.62 reports (the Services Report, the Traffic and Revenue Report, and the Circuit Status Report) for the preceding calendar year (the reporting period) on or before May 1 of each year.¹⁰ Failure to file the Services Report, the Traffic and Revenue Report, or the Circuit Status Report on time is a violation of the Commission's rules and could result in the imposition of forfeitures or other penalties.

19. Any Filing Entity that cannot file its information by the May 1 deadline must request an extension of time to file by submitting a waiver request under provisions of section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, prior to the May 1 deadline. Requests for an extension of time shall be addressed to the Chief, International Bureau. The Filing Entity's request for an extension of time must identify the report or reports for which the entity seeks a delay, explain the reasons why the entity cannot meet the required filing date, and propose an alternate filing date. The request for extension of time shall cite to section 43.62 of the Commission's rules and any other relevant section of the Commission's rules.

E. Filing Format and Certification Form

20. Filing Entities must file the section 43.62 report in both paper and electronic format, using electronic spreadsheets ("worksheets") designated by the FCC. The filing shall be accompanied by a Certification Form signed by an officer of the Filing Entity certifying the accuracy and completeness of the filed data. The Certification Form that must accompany every filing is provided in Appendix F.

⁸ *Id.* at 8-9.

⁹ Sections 52.17 (b), (c), and 54.708 of the Commission's rules, 47 C.F.R. § 52.17 (b), (c), § 54.708, require all telecommunications carriers in the United States, including interconnected VoIP providers, to file a Form 499-A. When a carrier files its first Form 499-A, the Commission's Data Collection Agent assigns the carrier a Filer 499 ID. See Form 499-A Instructions at 13.

¹⁰ 47 C.F.R. § 43.62(a).

F. Certification by an Officer

21. An officer of the Filing Entity must certify the accuracy and completeness of the Filing Entity's section 43.62 information. The Commission will not accept a report until the Filing Entity has provided the requisite certification.

22. For the purposes of this report, an officer is a person who occupies a position specified in the corporate by-laws (or partnership agreement, certificate creating a limited liability company, or comparable document) and is typically the president, vice president for operations, vice president for finance, comptroller, treasurer, or someone in a comparable position. If the Filing Entity is a sole proprietorship, the owner must certify the accuracy and completeness of the Filing Entity's section 43.62 information.

23. A Filing Entity has not met the May 1 filing deadline until the Commission has received a certified filing of the Filing Entity's section 43.62 report.

G. Reporting Period

24. The reporting period for each annual section 43.62 filing is the calendar year prior to the year in which the annual filing is to be made. International traffic and revenue data to be filed in Schedules 1-4 shall comprise the entire calendar year, except for Circuit statistics in Schedule 3, which shall be counted on December 31 of the reporting period. International circuit-capacity data to be filed in Schedule 5 shall be counted on December 31 of the reporting period.

H. Rounding of Numbers and Negative Numbers

25. *Rounding.* In general, Filing Entities shall round dollar amounts, minute counts, and Circuit counts in their filings to whole numbers. For example, Filing Entities should report \$2,271,881.50 as \$2,271,882.

26. *Negative Numbers.* Filing Entities must file their Customer Revenue without subtracting any expenses, allowances for uncollectible accounts or Settlement Payouts, and without making out-of-period adjustments. Therefore, Filing Entities shall not report any negative numbers for Customer Revenue or other filed data.

I. Accrual Basis of Accounting

27. Filing Entities shall report revenues, expenses, and related amounts (including Settlement Payouts and Settlement Receipts) on an accrual basis of accounting rather than a cash basis, except as otherwise provided in the Filing Manual. The amounts that Filing Entities report shall correspond to the value of services provided or obtained during the reporting period, not to the amounts received or paid during the reporting period. For instance, Filing Entities shall report as Settlement Payouts the expenses incurred for IMTS call completion services obtained during the reporting period, not the amounts billed or paid during the reporting period. In cases where Filing Entities have provided or received services, and the rate for the services has been retroactively adjusted, Filing Entities shall base the revenues or expenses that they report on the adjusted rate, provided that the adjustment occurs prior to filing date (May 1) of the year in which the section 43.62 filing for the relevant service is due to the Commission. For retroactive adjustments to the rate after the May 1 filing date, Filing Entities shall follow the procedures described in paragraphs 29-32 of the Filing Manual for making revisions to their data.

J. Estimation

28. Filing Entities shall, to the maximum extent possible, provide actual counts of minutes, Circuits, Customer Revenue, Settlement Receipts, Settlement Payouts, and other statistics. Where that is not possible, Filing Entities may use statistical sampling methods that

are designed to produce a margin of error of no more than one percent with a confidence interval of 95 percent. Where it is not possible to use statistical sampling methods, a Filing Entity may use other estimation methods that would in good faith be expected to produce accuracy comparable to that specified for statistical methods. Filing Entities must retain for a period of three years complete documentation, including sampled data, for any statistical or other estimation studies on which they have relied and provide a copy of such documentation to the Commission upon request.

K. Revisions

29. As discussed above, Filing Entities must file their section 43.62 reports on or before May 1 of the year following the annual reporting period. Data on file as of the May 1 deadline must be the most accurate data available as of the deadline. If a Filing Entity files data in advance of the May 1 deadline and discovers inaccuracies in data prior to the deadline due to any cause whatsoever, the Filing Entity must file corrected schedules on or before the deadline. A waiver to make such a filing is not required.

30. If a Filing Entity discovers an error in a filed statistic or needs to make a retroactive adjustment to a filed statistic after the May 1 deadline, the Filing Entity must file a corrected schedule if the error or adjustment is equal to or greater than one percent of the value of the statistic on file. Also, if individual errors or adjustments are each less than one percent, but their cumulative value exceeds one percent of the filed statistic, the Filing Entity must file a corrected schedule. This requirement applies to errors or adjustments in any previous filing, not only the most recent filing. For any filing after the May 1 deadline, a Filing Entity must obtain a waiver of the section 43.62 filing-date requirement under section 1.3 of the Commission's rules.

31. Filing Entities shall address a request for waiver to the Chief, International Bureau. The request for waiver shall identify the report or reports that would be revised and explain the error or adjustment. The request for waiver shall cite to section 43.62 of the Commission's rules and any other relevant sections of the Commission's rules and shall conform to section 1.3 of the Commission's Rules.

32. *Out-of-Period Adjustments.* Filing Entities shall not make out-of-period adjustments to the data that they file under section 43.62. For section 43.62 reporting purposes, the term "out-of-period adjustment" refers to an adjustment of the data for one reporting period to reflect errors in, or changes to, data that a Filing Entity had previously filed for a prior reporting period (e.g., an adjustment to the data that a Filing Entity files for 2006 to correct over- or under-reporting for the year 2005).

L. Record Keeping

33. Filing Entities shall maintain records and documentation in support of information reported in section 43.62 reports for three years and shall provide such records and documentation to the Commission upon request. Filing Entities that acquire operations subject to section 43.62 reporting requirements through acquisition of property, consolidation, merger, etc., must maintain the records of the acquired operation for three years following the acquisition.¹¹ As discussed above, Filing Entities that use estimation techniques, including statistical sampling, must keep these studies for at least three years following the reporting period and provide them to the Commission upon request. During an audit or review, Commission staff or designees may review any corporate records, including records that the Filing Entity has retained for more than three years, for any reason.

¹¹See 47 C.F.R. § 42.1.

M. Compliance

34. Failure to file timely section 43.62 reports may subject Filing Entities to the enforcement provisions of the Communications Act and any other applicable law and could result in the imposition of forfeitures or other penalties. Inaccurate or untruthful information contained in section 43.62 reports may lead to prosecution under section 220(e) of the Communications Act¹² or the criminal provisions of Title 18 of the United States Code.¹³

N. Public Availability of Filed Information

35. The following information filed under section 43.62 is treated by the Commission as not routinely available for public inspection, as provided under section 0.457(d)(1)(viii) of the Commission's rules, 47 C.F.R. § 0.457(d)(1)(viii):

- Minutes Completed on Foreign Fixed-Line Networks – Schedule 1 of the Traffic and Revenue Report, column (b), all rows except regional and world totals;
- Minutes Completed on Foreign Mobile Networks – Schedule 1 of the Traffic and Revenue Report, column (c), all rows except regional and world totals;
- Settlement Payouts for Call Completion on Foreign Fixed-Line Networks – Schedule 1 of the Traffic and Revenue Report, column (e), all rows except regional and world totals; and
- Settlement Payouts for Call Completion on Foreign Mobile Networks – Schedule 1 of the Traffic and Revenue Report, column (f), all rows except regional and world totals.

36. A Filing Entity may request, under section 0.459(a) of the Commission's rules, 47 C.F.R. § 0.459(a), that the Commission withhold some or all of the filed information from public inspection. A Filing Entity that wishes to request confidential treatment of its section 43.62 filing must submit a request for confidential treatment in accordance with section 0.459(b) of the Commission's rules.¹⁴ The Filing Entity filing such a request bears the burden to demonstrate that the data falls within one of the categories for which section 0.459(b)(3) of the Commission's rules allows confidential treatment.¹⁵

III. SERVICES REPORT

37. The Services Report consists of two forms, a Registration Form and a Services Checklist.

A. The Registration Form

38. The Registration Form elicits basic information about the filing and the Filing Entity: (1) the date of the filing; (2) the reporting period covered by the filing; (3) name and address of the Filing Entity; (4) the FCC Registration Number (FRN) of the Filing Entity;¹⁶ (5)

¹² 47 U.S.C. § 220 (e).

¹³ See 18 U.S.C. § 1001.

¹⁴ 47 C.F.R. § 0.459 (b).

¹⁵ 47 C.F.R. § 0.459 (b)(3).

¹⁶ The FRN is a ten-digit number that the Commission uses to identify a Filing Entity for purposes of the Commission's Licensing/Filing systems and its Revenue Accounting Management Information System (RAMIS). Filing Entities may obtain an FRN through the Commission Registration System (CORES), which they may access at <https://gullfoss2.fcc.gov/cores/CoresHome.html>. Filing Entities should ensure

whether the filing contains a new report or a revision to an existing report; (6) a list of the reports included in the filing (*i.e.*, the Services Checklist, which is mandatory for all new reports and revisions to existing reports, and Schedules 1-5, as required); (7) the name of the company official certifying the completeness and accuracy of submitted data; (8) the title of the certifying official; (9) the physical address, telephone number, and e-mail address of the certifying official; (10) the Filing Entity's official contact or attorney of record, including physical address, telephone number, and e-mail address; (11) the Filing Entity's Filer 499 ID, if any;¹⁷ and (12) a complete list of the Filing Entity's international section 214 authorizations.

B. The Services Checklist

39. The Services Checklist contains eight boxes that elicit basic information about the operations, if any, of Filing Entities during the preceding calendar year. Filing Entities should simply check the boxes that pertain to them. The Commission uses the Services Report to determine which schedules, if any, Filing Entities must file.

Box 1 (No International Telecommunications Service or International Interconnected VoIP Service; no Owned International Facilities as of December 31 of the reporting period). The Filing Entity provided no International Telecommunications Service or International Interconnected VoIP Service during the reporting period; and had no Owned International Facilities on December 31 of the reporting period. Entities that check this box do not file Schedules 1-5.

Box 2 (U.S.-Billed Facilities IMTS). The Filing Entity provided U.S.-Billed Facilities IMTS during the reporting period. Entities that check this box must file service data on Schedules 1 and 2.

Box 3 (Foreign-Billed IMTS). The Filing Entity provided Foreign-Billed IMTS during the reporting period. Entities that check this box must file service data on Schedule 1.

Box 4 (Traditional Transiting IMTS). The Filing Entity provided Traditional Transiting IMTS during the reporting period. Entities that check this box must file service data on Schedule 2.

Box 5 (IMTS Resale). The Filing Entity provided IMTS Resale during the reporting period. Entities that check this box must indicate whether they billed customers a total of \$5 million or more for IMTS Resale provided during the reporting period. Entities that billed customers a total of \$5 million or more for IMTS Resale provided during the reporting period, or that provided Facilities IMTS in addition to any dollar amount of IMTS Resale, must file service data on Schedule 2.

Box 6 (International Private Line Service). The Filing Entity provided International Private Line Service during the reporting period. Entities that check this box must file service data on Schedule 3.

that their contact information is correct in the CORES system. For assistance in using CORES, Filing Entities may contact the CORES help desk at (877) 480-3201 or send an e-mail to CORES@fcc.gov.

¹⁷ See paragraphs 15-17 of the Filing Manual.

Box 7 (International Miscellaneous Services). The Filing Entity provided one or more International Miscellaneous Services during the reporting period. Entities that check this box must indicate whether they billed customers a total of \$5 million or more for any International Miscellaneous Service provided during the reporting period. Entities that did so must file Schedule 4 for each such service.

Box 8 (Owned International Facility). The Filing Entity had an Owned International Facility as of December 31 of the reporting period. Entities that checked this box must report circuit-capacity data on Schedule 5 for all Owned International Facilities they had as of December 31 of the reporting period.

IV. TRAFFIC AND REVENUE REPORT (SCHEDULES 1-4)

40. Pursuant to section 43.62(a)(2) of the Commission's rules,¹⁸ all U.S. International Service Providers that provided International Telecommunications Service or International Interconnected VoIP Service during the reporting period must file the Traffic and Revenue Report, with limited exceptions as provided in this Filing Manual.

41. This section describes the reporting requirements for the Traffic and Revenue Report (Schedules 1-4). Section IV-A of the Filing Manual deals with the reporting requirements for various categories of International Telecommunications Service and International Interconnected VoIP Service. Section IV-B of the Filing Manual discusses reporting of information by Foreign Point. Section IV-C of the Filing Manual supplements section IV-A with technical descriptions of the international service data to be filed and includes additional filing requirements.

A. Reporting of International Telecommunications Service and International Interconnected VoIP Service

42. U.S. International Service Providers must report international traffic data for three categories of service: (1) International Message Telephone Service (IMTS) (including International Interconnected VoIP Service); (2) International Private Line Service; and (3) International Miscellaneous Services. The reporting requirements for these categories are described in detail below.

1. Reporting of IMTS (Schedules 1 and 2)

43. This section describes the reporting requirements for International Message Telephone Service (IMTS). IMTS is defined as the provision of message telephone service (MTS) between the United States and a Foreign Point. The term "message telephone service" refers to the transmission and reception of speech and low-speed dial-up data over the public switched telephone network (PSTN).

44. For section 43.62 reporting purposes, IMTS includes the transmission and reception of speech and data between the United States and a Foreign Point over Internet Protocol (IP) networks that are interconnected with the PSTN or over other types of high-speed data networks that are interconnected with the PSTN.¹⁹ Thus IMTS includes telephone service between the United States and a Foreign Point provided as International Interconnected VoIP Service, *i.e.*, Interconnected VoIP Service between the United States and a Foreign Point.

¹⁸ 47 C.F.R. § 43.62.

¹⁹ High-speed data networks may use other protocols as an alternative to Internet Protocol, *e.g.*, multi-protocol label switching (MPLS), asynchronous transfer mode (ATM), or Frame Relay.

Interconnected VoIP Service refers a service that: (1) enables real-time, two-way voice communications; (2) requires a broadband connection from the user's location; (3) requires Internet Protocol-compatible customer premise equipment; and (4) permits users generally to receive calls that originate on the PSTN and to terminate calls to the PSTN.²⁰

45. For section 43.62 reporting purposes, IMTS includes international services with dedicated access if the calls are routed through the PSTN in the United States or a Foreign Point. Accordingly, IMTS includes international wide-area telephone service (WATS), toll-free service (e.g., 800 service), pay-for-call service (e.g., 900 service), international custom network services, integrated services digital network (ISDN) services, conference services, Country-Direct Service, and Country-Beyond Service. IMTS also includes international service over virtual private networks (VPNs) that are interconnected with the PSTN.

46. Today, service providers may transmit IMTS calls over circuit-switched networks, Internet Protocol (IP) or other high-speed data networks, or over a combination of such networks. This Filing Manual requires reporting of IMTS calls regardless of the particular transmission technology used by carriers in their networks.²¹ U.S. International Service Providers are required to report statistics for all IMTS they provided during the reporting period, with limited exceptions as provided in this Filing Manual.

a. Classification of calls as Facilities IMTS or IMTS Resale

47. Commercial and technical innovations in the provision of IMTS have resulted in a variety of arrangements by which IMTS is offered to the public. Multiple service providers may be involved. The definitional structure incorporated in this Filing Manual is intended to have one service provider file detailed information about each IMTS call and any other service providers involved in providing the call to report only summary information. For this purpose, the U.S. International Service Provider that will file detailed information is the entity that owns, leases or controls the U.S. Facility by which the call leaves or enters the United States. For section 43.62 reporting purposes, this provider reports the call as Facilities IMTS traffic. Other U.S. International Service Providers that resell the call report the call as IMTS Resale traffic. The following paragraphs provide a more detailed explanation of the distinction between Facilities IMTS and IMTS Resale.

(i) Facilities IMTS

48. The definition of Facilities IMTS used in this Filing Manual applies to calling between two parties with PSTN connections²² (PSTN to PSTN calling); calling from a party with a VoIP connection to a party with a PSTN connection (VoIP to PSTN calling); PSTN to VoIP calling; and VoIP to VoIP calling over the PSTN. PSTN to PSTN calling traditionally relied exclusively on circuit-switched technology, but now may rely on a combination of circuit-switched and VoIP technologies.²³ Together, VoIP to PSTN calling, PSTN to VoIP calling, and

²⁰ 47 C.F.R. § 9.3.

²¹ See *Petition for Declaratory Ruling that AT&T's Phone-to-Phone IP Telephony Services are Exempt from Access Charges*, WC Docket No. 02-361, Order, FCC 04-97, 19 FCC Rcd 7457 (2004).

²² A party with a PSTN connection refers to a party engaged in telecommunications by means of a telephone directly connected to the PSTN.

²³ With circuit-switched technology, carriers establish a dedicated Circuit between the parties to a voice transmission. VoIP technology relies on packet-switching, which divides the voice transmission into packets and sends them over the fastest available route. The packets are transmitted over multiple pathways in an IP network and then reassembled for reception at the terminating end.

VoIP to VoIP calling over the PSTN comprise Interconnected VoIP Service. We define Facilities IMTS below and then describe how to apply the definition to PSTN to PSTN calling using either circuit-switched or VoIP technology; VoIP to PSTN calling; PSTN to VoIP calling; and VoIP to VoIP calling over the PSTN.

49. For section 43.62 reporting purposes, the definition of Facilities IMTS is as follows:

Facilities IMTS refers to the provision of IMTS by a U.S. International Service Provider through direct interconnection of a U.S. Facility²⁴ that it owns, leases, or controls to an International Facility²⁵ owned or leased by itself or another company at a U.S. International Connection Point.²⁶ For purposes of this definition, the term “lease” refers to the right of exclusive use of a telecommunications facility or a Circuit on such a facility, whether such right of exclusive use is offered by the lessor on a common carrier basis (*e.g.*, as private line service) or on a non-common carrier basis. Where the voice stream, such as Real Time Protocol (RTP) packets,²⁷ traverses a U.S. Facility that is part of an Internet Protocol or other high-speed data network (*e.g.*, the Internet), the person or entity that manages the session for the U.S. portion of the call (*e.g.*, the Session Initiation Protocol (SIP) service provider or PSTN gateway service provider)²⁸ is deemed to control the U.S. Facility.

²⁴ A U.S. Facility is defined as a telecommunications facility, or a Circuit on such a facility, that is wholly within the United States (*e.g.*, a “backhaul facility” connecting an international switch in the United States to a cable landing station in the United States).

²⁵ An International Facility is defined as a telecommunications facility, or a Circuit on such a facility, that is not wholly within the United States, *i.e.*, a telecommunications facility, or a Circuit on such a facility, that is outside the United States or that crosses the U.S. border. International Facilities include submarine cables, terrestrial cables, satellite facilities, microwave facilities, and other electromagnetic and optical facilities used for telecommunications between the United States and a Foreign Point.

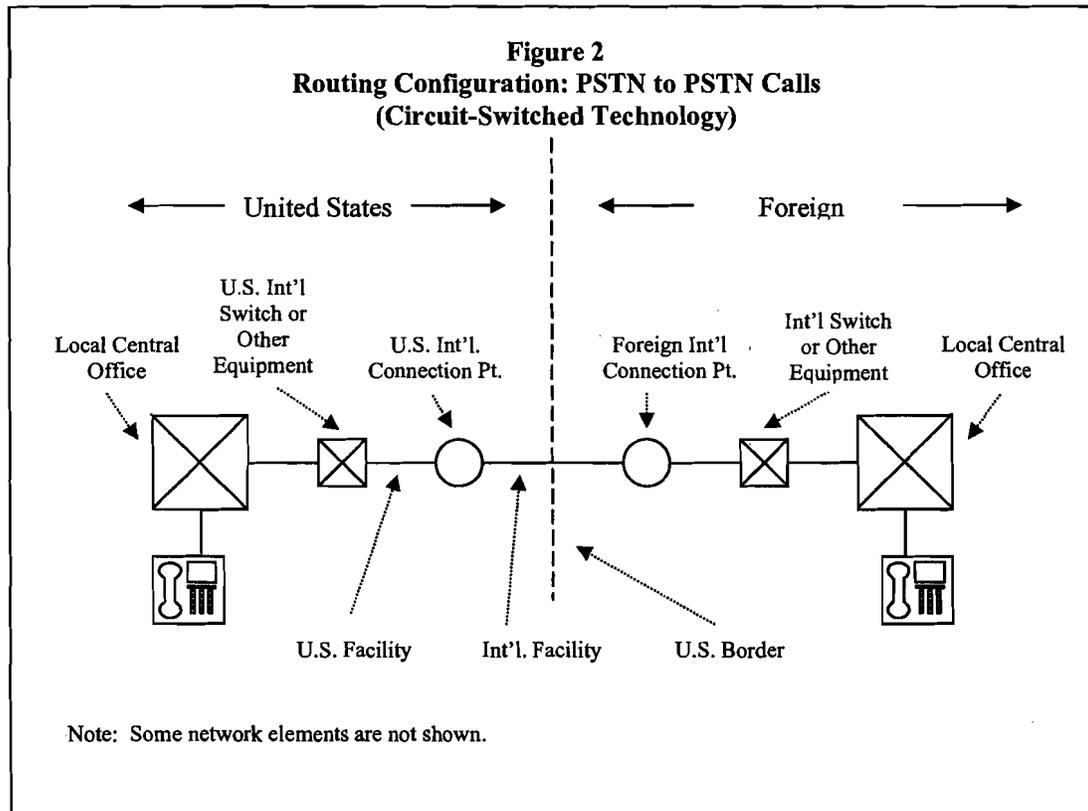
²⁶ A U.S. International Connection Point is defined as a point within the United States at which U.S. Facilities and International Facilities are directly interconnected (*e.g.*, a U.S. cable landing station, a U.S. satellite earth station providing international connectivity, or the proximate U.S. point of presence on a cross-border terrestrial facility). The proximate point of presence is the point of presence closest to the U.S. border.

²⁷ See Schulzrinne, H., et al., *RTP: A Transport Protocol for Real-Time Applications*, RFC-1889, Jan. 1996.

²⁸ See Handley, M., et al., *SIP: Session Initiation Protocol*, RFC-2543, Mar. 1999. SIP and PSTN gateway service providers are described in more detail in paragraph 57 of the Filing Manual.

(a) **PSTN to PSTN calls using circuit-switched technology**

50. For reference purposes, Figure 2, below, shows a routing configuration for a PSTN to PSTN call using circuit-switched technology.



51. Historically, PSTN to PSTN calls were conveyed jointly by a U.S. International Carrier and a Foreign Carrier interconnecting at the theoretical midpoint of jointly owned international Circuits using circuit-switched technology.²⁹ It was, therefore, a straightforward matter to identify the U.S. International Carrier responsible for the international conveyance of an

²⁹ U.S. International Carriers traditionally provided IMTS through "joint operating agreements" with Foreign Carriers. Under traditional joint operating agreements, U.S. International Carriers provided IMTS with a "foreign correspondent" carrier through joint ownership of international Circuits between the United States and a foreign point. The joint operating agreement typically specifies the rights, duties, and legal obligations of each correspondent; establishes arrangements governing the routing of traffic; and sets the "accounting rate" per unit (usually per minute) of IMTS traffic. The accounting rate is a negotiated amount per unit that provides the basis for "settling" traffic balances between the correspondents. The correspondents split the accounting rate to compensate each correspondent for its handling of the call. The per-minute expense incurred by one carrier to the other for IMTS call completion services under this arrangement is termed the "settlement rate" and the amount of the expense is termed "settlements." The term "settlements" denotes the expense incurred by a carrier for call completion services provided by a correspondent, not the net amount paid by one carrier to another after reciprocal call completion expenses are offset.

IMTS call. At present, however, PSTN to PSTN calls may be routed over wholly-owned Circuits between the United States and Foreign Points, with interconnection between U.S. International Carriers and Foreign Carriers at either U.S. or foreign interconnection points. Also, VoIP technology may be used in the transmission of PSTN to PSTN calls, further complicating the identification of the U.S. International Carrier responsible for the international conveyance of an IMTS call. This section of the Filing Manual discusses Facilities IMTS for PSTN to PSTN calls that are conveyed internationally using circuit-switched technology and exchanged at various interconnection points. Paragraphs 61-63 of the Filing Manual discuss Facilities IMTS for PSTN to PSTN calls that are conveyed internationally using VoIP technology.

52. A U.S. International Carrier that provides IMTS under a traditional joint operating agreement directly connects its U.S. Facilities to International Facilities that are jointly owned with a Foreign Carrier at a U.S. International Connection Point and is deemed thereby to be providing Facilities IMTS.

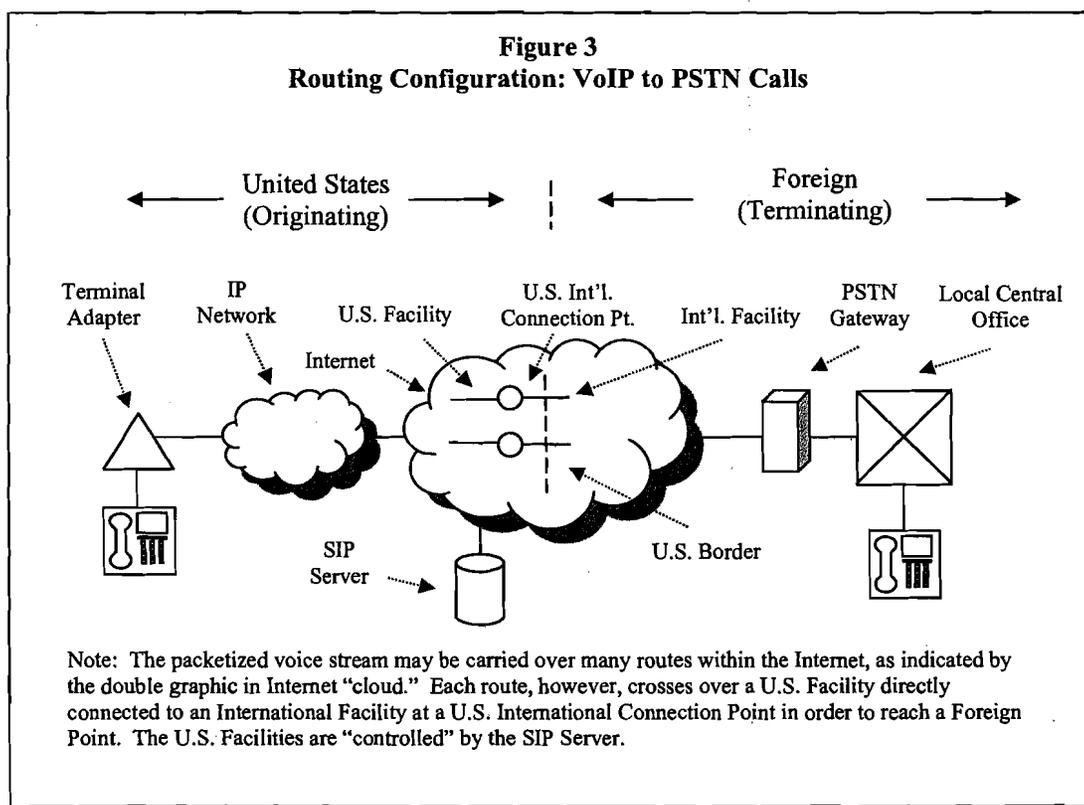
53. A U.S. International Carrier that provides IMTS under a non-traditional interconnection arrangement may directly connect its U.S. Facilities to its own wholly-owned or leased International Facilities at a U.S. International Connection Point, and is deemed thereby to be providing Facilities IMTS. Alternatively, a U.S. International Carrier that provides IMTS under a non-traditional interconnection arrangement may directly connect its U.S. Facilities to another carrier's wholly-owned or leased International Facilities at a U.S. International Connection Point, and is deemed thereby to be providing Facilities IMTS. Thus the point of interconnection between a U.S. International Carrier providing Facilities IMTS and a carrier providing the foreign portion of the call can be either at a U.S. International Connection Point, a theoretical midpoint, or a foreign international connection point. In any of these cases, a U.S. International Carrier conveys IMTS into or out of the United States over owned or leased U.S. Facilities that are directly connected to a U.S. International Connection Point and is deemed thereby to be providing Facilities IMTS.

54. A person or entity is *not* providing reportable Facilities IMTS merely because it conveys IMTS traffic into or out of the United States over an International Facility that it wholly or jointly owns or leases. Where the person's or entity's International Facility is directly connected to another person's or entity's U.S. Facility at a U.S. International Connection Point, the person or entity that owns, leases or controls that U.S. Facility is the person or entity that is deemed to be carrying IMTS traffic into, or out of, the United States on a Facilities IMTS basis. The person or entity carrying the traffic between the U.S. International Connection Point and a Foreign Point does not report the traffic.

55. If a Foreign Carrier or other person or entity conveys an IMTS call into, or out of, the United States over a U.S. Facility that it owns or leases and that is directly connected to an International Facility at a U.S. International Connection Point, it is deemed to be providing Facilities IMTS as a U.S. International Carrier and must report the call as Facilities IMTS pursuant to section 43.62 of the Commission's rules.

(b) VoIP to PSTN calls

56. For reference purposes, Figure 3, below, shows the routing configuration of a call from a U.S. VoIP calling party to a foreign PSTN receiving party. The routing configuration of a call from a foreign VoIP calling party to a U.S. PSTN receiving party is the same, except that the headings "United States" and "Foreign" are reversed and the schematics in the Internet "cloud" are flipped.



57. Interconnected VoIP Service entails conversion of a telecommunications signal between IP and circuit-switched transmission technologies. A call from a VoIP calling party to a PSTN receiving party requires the calling party's Interconnected VoIP Service provider to obtain information required to "set up" the call from a session initiation protocol (SIP) server and provide it to the calling party's terminal adapter or IP telephone.³⁰ Set-up information includes the IP address of the PSTN gateway serving the receiving party. The VoIP call is then routed as IP packets over the Internet to the PSTN gateway by the calling party's Internet service provider. The PSTN gateway converts the packets into an analog signal for transmission to the local exchange carrier serving the receiving party (who may be a PSTN customer or a VoIP customer who is connected to the local exchange by a second PSTN gateway).³¹ This routing arrangement depends on a commercial agreement between the SIP service provider and the PSTN gateway service provider for the SIP server to direct the IP packets of the calling party to the PSTN gateway and for the PSTN gateway to accept the packets, translate them to an analog signal, and route them as required. The SIP service provider is either the owner of the SIP server or the person or entity that contracts with the owner of the SIP server for use of the SIP server – whichever party has the commercial agreement with the PSTN gateway service provider. The PSTN gateway service provider is either the owner of the PSTN gateway or the person or entity that contracts with the owner of the PSTN gateway for PSTN gateway services – whichever party has the commercial agreement with the SIP service provider.

³⁰ Figure 3 shows an analog telephone and terminal adapter. This could also be an IP telephone.

³¹ Figure 3 shows the receiving party as a PSTN customer. Figure 6, below, shows the receiving party as a VoIP customer connected to the local exchange by means of a second PSTN gateway. This case is described in more detail in paragraphs 66-67 of the Filing Manual.

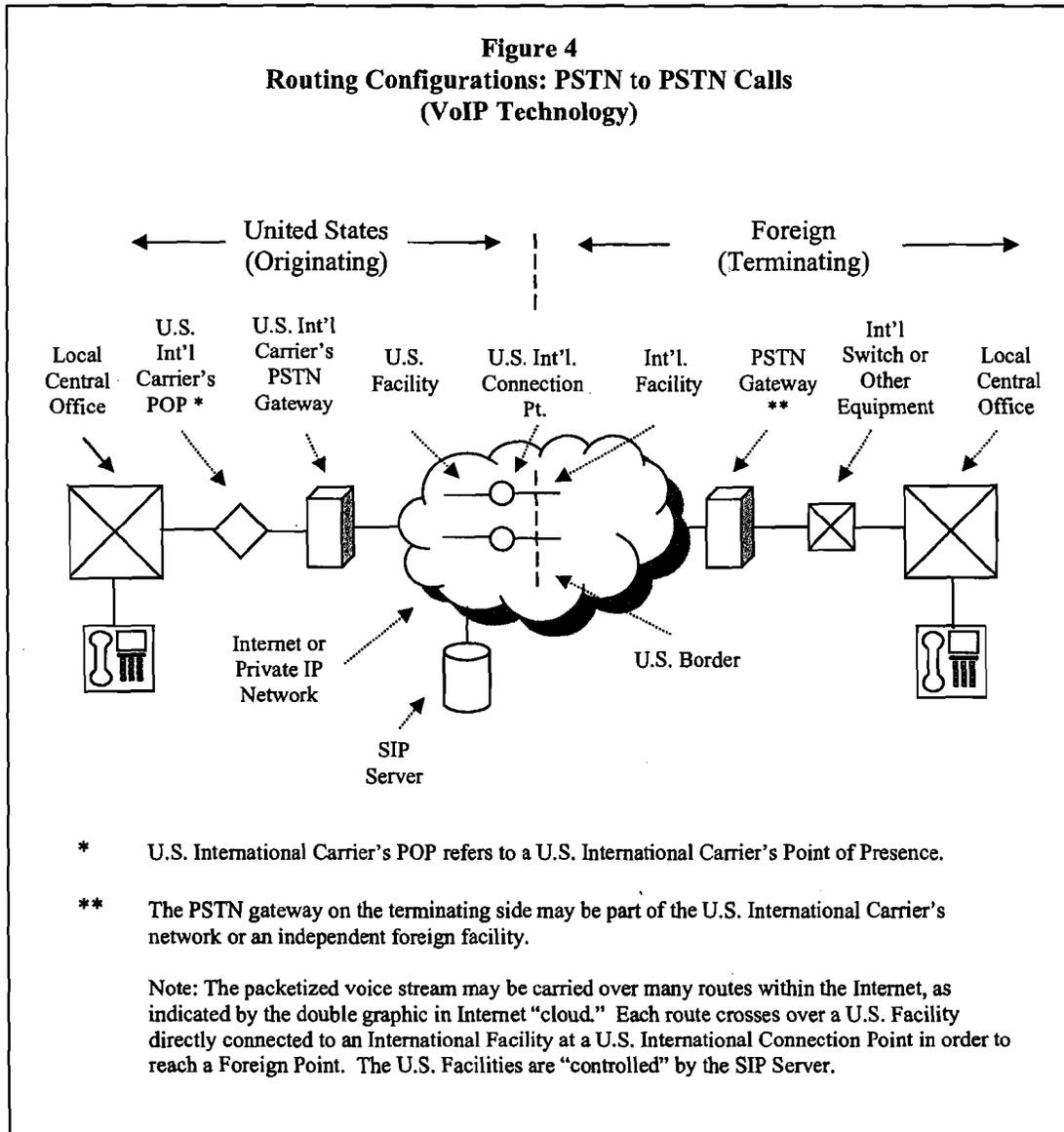
58. In defining Facilities IMTS with reference to VoIP technology, we focus on the SIP server provider (for VoIP to PSTN calls originating in the United States) and the PSTN gateway service provider (for VoIP to PSTN calls terminating in the United States). The person or entity that provides the SIP or PSTN gateway service on the U.S. end of an IMTS call manages the U.S. end of the IMTS call and is deemed to control the U.S. Facilities that the voice stream traverses and that are directly connected to International Facilities at U.S. International Connection Points. Thus, the person or entity that provides the SIP or PSTN gateway service on the U.S. end of an IMTS call, not the owners or lessees of the U.S. Facilities that the voice stream traverses, is deemed to be providing Facilities IMTS. For a call from a U.S. VoIP calling party to a foreign PSTN receiving party, the person or entity providing the SIP service is deemed to be a U.S. International Interconnected VoIP Service Provider providing Facilities IMTS. For a call from a foreign VoIP calling party to a U.S. PSTN receiving party, the person or entity providing the PSTN gateway service is deemed to be a U.S. International Interconnected VoIP Service Provider providing Facilities IMTS.

59. A person or entity that provides International Interconnected VoIP Service in the United States is deemed to be providing Facilities IMTS to the extent that such person or entity provides its own SIP or PSTN gateway service. If a person or entity that provides International Interconnected VoIP Service in the United States obtains SIP or PSTN gateway services from another person or entity, the person or entity providing the SIP or PSTN gateway services, not the person or entity obtaining them, is deemed to be providing Facilities IMTS.

60. A person or entity providing SIP service for a call from a U.S. VoIP calling party to a foreign PSTN receiving party is deemed to be a U.S. International Interconnected VoIP Service Provider providing Facilities IMTS even if the location of the SIP server is not in the United States or the residence or principal place of business of the person or entity providing SIP service is not in the United States. A person or entity providing PSTN gateway service for a call from a foreign VoIP calling party to a U.S. PSTN receiving party necessarily has the PSTN gateway located in the United States and is deemed to be a U.S. International Interconnected VoIP Service Provider providing Facilities IMTS even if the residence or principal place of business of the person or entity providing PSTN gateway service is not in the United States.

(c) PSTN to PSTN calls using VoIP technology

61. For reference purposes, Figure 4, below, shows the routing configuration of a call from a U.S. PSTN calling party to a foreign PSTN receiving party using VoIP technology. The routing configuration of a call from a foreign PSTN calling party to a U.S. PSTN receiving party using VoIP technology is the same, except that the headings "United States" and "Foreign" are reversed and the schematics in the Internet "cloud" are flipped.



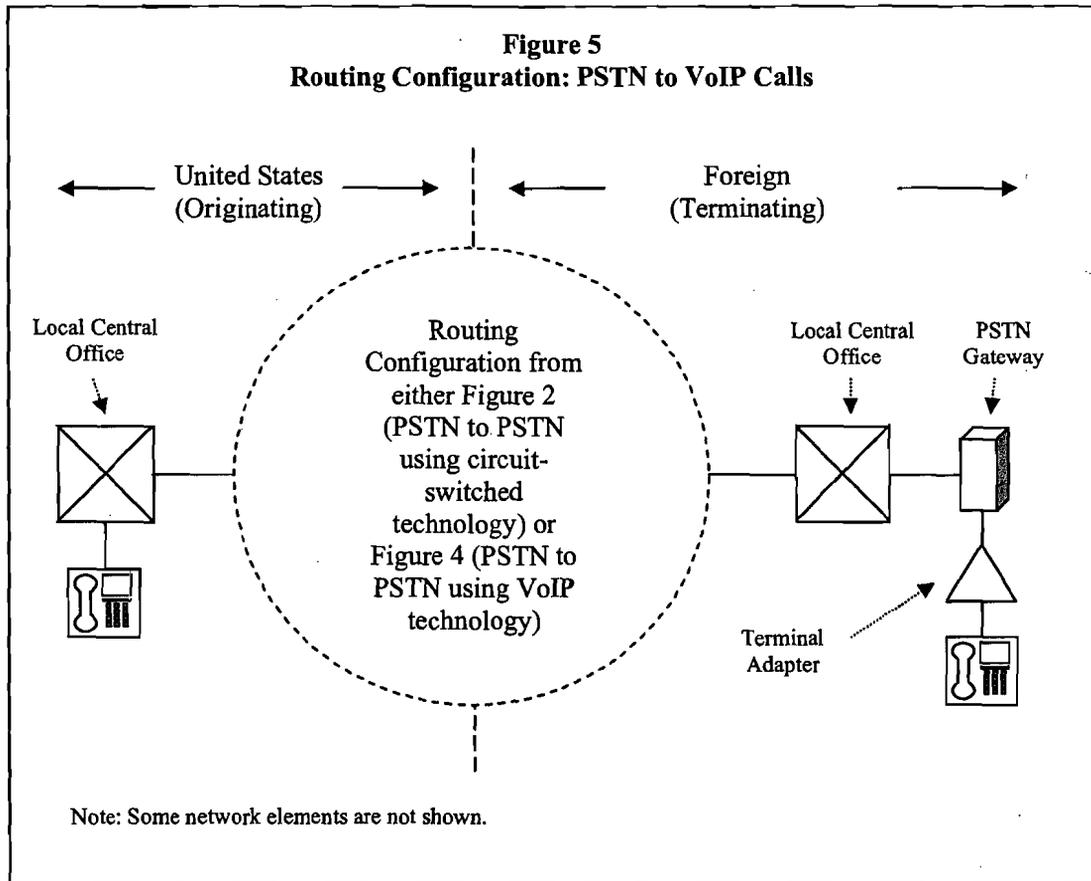
62. As shown in Figure 4, a U.S. International Carrier may transmit a PSTN to PSTN call by using VoIP technology for the international portion of the call. On the originating side, the calling party's analog signal is converted into IP packets at one of the U.S. International Carrier's PSTN gateways, transmitted to the Foreign Point using VoIP technology and converted back into an analog signal suitable for transmission in the foreign PSTN at a second PSTN gateway that is either part of the U.S. International Carrier's own network or is an independent foreign facility.

63. VoIP technology is relevant for identifying a call as Facilities IMTS only if such technology is being used to convey the call internationally, *i.e.*, as IP packets across U.S. Facilities that are directly connected to International Facilities at U.S. International Connection Points. If VoIP technology is being used for this portion of the call, then the criteria used to identify the person or entity deemed to be providing Facilities IMTS shall be the same as that used for VoIP to PSTN calls, as described in paragraphs 56-60 of the Filing Manual. If not, then

the criteria used to identify the person or entity deemed to be providing Facilities IMTS shall be the same as that used for PSTN to PSTN calls using circuit-switched technology, described in paragraphs 50-55 of the Filing Manual.

(d) PSTN to VoIP calls

64. For reference purposes, Figure 5, below, shows the routing configuration of a call from a U.S. PSTN calling party to a foreign VoIP receiving party. The routing configuration of a call from a foreign VoIP calling party to a U.S. PSTN receiving party is the same, except that the headings "United States" and "Foreign" are reversed.



65. The routing configuration of a call from a PSTN calling party to a VoIP receiving party is the same as that of a PSTN to PSTN call, except for the addition of a PSTN gateway and terminal adapter connecting the line side of the foreign local central office to the VoIP receiving party. For the portion of the call traversing the U.S. Facility that is directly connected to an International Facility at a U.S. International Connection Point, calls from PSTN customers to VoIP customers are routed across the U.S. International Connection Point in the same way as a PSTN to PSTN call, using either circuit-switched technology (Figure 2) or VoIP technology (Figure 4). If circuit-switched technology is being used, then the criteria used to identify the person or entity deemed to be providing Facilities IMTS shall be the same as that used for PSTN to PSTN calls using circuit-switched technology, as described in paragraphs 50-55 of the Filing Manual. If VoIP technology is being used, then the criteria used to identify the person or entity deemed to be providing Facilities IMTS shall be the same as that used for PSTN to PSTN calls using VoIP technology, as described in paragraphs 61-63 of the Filing Manual.