



# PUBLIC NOTICE

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

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## **The International Bureau Revises and Reissues the Commission's List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets**

By this Public Notice, the International Bureau revises and reissues the Commission's "List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets."<sup>1</sup> This Public Notice also summarizes the relevant rule sections that incorporate this list by reference, including, most recently, Commission rules that govern the licensing of submarine cable systems.<sup>2</sup>

The revised list set forth below shall apply for purposes of implementing Section 1.767(g)(5) of the rules adopted in 2001. This list shall also continue to apply for purposes of implementing the following Commission rules: Sections 43.51(b) (involving reporting contracts and concessions), 63.14 (involving the prohibition on agreeing to accept special concessions), 63.22(e) (involving the provision of switched basic services over authorized facilities-based private lines), and 63.23(d) (involving the provision of switched basic services over authorized resold private lines).

Among the rule changes the Commission adopted in the *Submarine Cable Landing License Order* is a "no special concessions" rule tailored to submarine cables and applicable to all cable landing licensees authorized after the effective date of the rules.<sup>3</sup> New rule 1.767(g)(5) prohibits

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<sup>1</sup> The revised list of carriers reflects any corrections to carrier names that were incorrect or new names now used by the carriers since this public notice was initially released in 1999. This corrected list is identical to the list previously released, except for name changes that occurred as a result of a divestiture of national incumbent operators into regional operators. While the Commission's staff attempts to maintain current information as to the names of carriers on this list, we encourage interested parties to advise the Commission of future name changes that may occur as a result of divestiture of national incumbent operators into regional operators or for other reasons.

<sup>2</sup> See *Review of Commission Consideration of Applications under the Cable Landing License Act*, IB Docket No. 00-106, 16 FCC Rcd 22167 (2001) (*Submarine Cable Landing License Order*).

<sup>3</sup> See *Submarine Cable Landing License Order*, Appendix B (Final Rules), Section 1.767(g)(5). For cable

these licensees from accepting directly or indirectly from a foreign carrier with market power in one or more of the cable's destination markets a "special concession" as specified in the rule. Under new Section 1.767(g)(5), a foreign carrier is defined as in Section 63.09(d) of the Commission's rules, except that the term also is defined to include any entity that owns or controls a cable landing station in a foreign market.<sup>4</sup> For purposes of determining which foreign carriers are the subject of the requirements of Section 1.767(g)(5), the new rule provides that licensees may rely on the Commission's "List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets."<sup>5</sup>

The Commission first adopted its list of foreign carriers that are presumed to possess market power in the *ISP Reform Order*.<sup>6</sup> In that proceeding, the Commission modified its rules to remove its requirement that agreements between U.S. telecommunications carriers and foreign carriers that lack market power in the foreign telecommunications market conform to the Commission's international settlements policy (ISP). The Commission's rules include a presumption that a foreign carrier does not possess market power on the foreign end of a U.S. international route if it possesses less than 50 percent market share in each of three relevant foreign product markets: international transport facilities, including cable landing station access and backhaul facilities; intercity facilities and services; and local access facilities and services on the foreign end.

The Commission stated that it would issue a list of carriers that do not qualify for this presumption. U.S. international carriers would be precluded from exchanging traffic outside of the ISP with carriers on the list unless otherwise allowed.<sup>7</sup> U.S.-authorized carriers would also be precluded from agreeing to accept special concessions (as defined in Section 63.14 of the Commission's rules) from carriers on the list unless otherwise allowed under the Commission's rules. The Commission found that this approach best advances the policy of allowing U.S. carriers to enter into arrangements with foreign carriers that lack market power with a minimum of regulatory oversight, while maintaining the ISP for certain arrangements with foreign carriers that possess

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landing licenses granted prior to March 15, 2002, all licensees on a cable may jointly file an application with the Commission seeking a modification of the license to substitute the new "no special concessions" safeguard for the broader prohibition against exclusive arrangements traditionally imposed on cable landing licensees. *See Submarine Cable Landing License Order*, 16 FCC Rcd at 22184, para. 33.

<sup>4</sup> *See Submarine Cable Landing License Order*, 16 FCC Rcd at 22221, Appendix B (Final Rules), Note to Section 1.767 (the terms "affiliated" and "foreign carrier," as used in this section, are defined as in Section 63.09 except that the term "foreign carrier" also shall include any entity that owns or controls a cable landing station in a foreign market).

<sup>5</sup> *See Submarine Cable Landing License Order*, 16 FCC Rcd at 22215, Appendix B (Final Rules), Note to Section 1.767(g)(5).

<sup>6</sup> *1998 Biennial Regulatory Review -- Reform of the International Settlements Policy and Associated Filing Requirements*, IB Docket No. 98-148 and CC Docket No. 90-337, Report and Order and Order on Reconsideration, 14 FCC Rcd 7963 (1999) (*ISP Reform Order*).

<sup>7</sup> *See List of Foreign Telecommunications Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets*, Public Notice, 14 FCC Rcd 7038 (1999) (Public Notice issuing initial list of foreign carriers presumed to possess market power).

market power in the foreign market.

The following list specifies particular foreign carriers that do not qualify for the presumption that a foreign carrier does not possess market power on the foreign end of a U.S. international route if it possesses less than 50 percent market share in each of three relevant foreign product markets: international transport facilities, including cable landing station access and backhaul facilities; intercity facilities and services; and local access facilities and services on the foreign end. The list is based on publicly available information, compiled from official sources, including the International Telecommunication Union. The list of “Dominant Operators” does not specifically identify all incumbent local exchange carriers that may operate in the destination markets listed below. However, all incumbent local exchange carriers that may operate in the markets are incorporated by reference on the list.<sup>8</sup>

Interested parties may challenge the inclusion or exclusion of any carrier on the list by submitting a petition for declaratory ruling and the appropriate supporting documentation to demonstrate that a carrier included on the list lacks market power or that a carrier not included does not lack market power. This list applies only for purposes of determining those foreign carriers that are subject to our ISP, our rules on providing switched services over private lines, and the No Special Concessions rules for U.S. international common carriers and cable landing licensees. It does not apply for purposes of market power determination under Sections 63.10 (Regulatory classification of international carriers) or Section 63.18 (Contents of applications for international common carriers). The list below will be posted on the International Bureau's World Wide Web site. (<http://www.fcc.gov/ib>).

**Destination Market**

**Dominant Operators**

Afghanistan	Ministry of Communications
Albania	Albania Telecom
Algeria	Ministère des Postes et Télécommunications (MPT)
Angola	Angola Telecom
Antigua and Barbuda	Cable & Wireless
Argentina	Telcom Argentina S.A., Telefónica de Argentina S.A.
Armenia	Armentel
Australia	Telstra Corporation
Austria	Post and Telekom Austria AG (PTA)
Azerbaijan	Ministry of Communication
Bahamas	Bahamas Telecommunications Corporation (Batelco)
Bahrain	Bahrain Telecommunications Company (BATELCO)
Bangladesh	Bangladesh Telegraph & Telephone Board
Barbados	Barbados External Telecommunications Ltd. (BET)
Belarus	Belarus Telecom
Belgium	Belgacom

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<sup>8</sup> See *infra* “Additional carriers included on this list.”

Belize Belize Telecommunications Ltd.  
Benin Office des postes et télécommunications (OPT)

### **Destination Market**

Bermuda  
Bhutan  
Bolivia  
Bosnia and Herzegovina

Botswana  
Brazil  
Brunei  
Bulgaria  
Burkina Faso  
Burma  
Burundi  
Cambodia  
Cameroon

Canada

Cape Verde  
Central African Rep.  
Chad

Chile  
China  
Colombia  
Comoros  
Congo  
Costa Rica  
Côte d'Ivoire  
Croatia  
Cuba  
Cyprus  
Czech Rep.  
Dem. Rep. of Congo

Denmark  
Djibouti  
Dominica  
Dominican Republic  
Ecuador

### **Dominant Operators**

Cable & Wireless Bermuda  
Bhutan Telecom  
Empresa Nacional de Telecomunicaciones S.A.  
Telecom SRPSKE  
Telekom Republike Srpske  
Botswana Telecommunications Corporation (BTC)  
Embratel  
Jabatan Telecom Brunei Darussalam (JTB)  
Bulgarian Telecommunications Company (BTC)  
Office National des Télécommunications (ONATEL)  
Myanmar Posts & Telecommunications  
Office National des Télécommunications (ONATEL)  
Directorate of Posts and Telecommunications (DPTK)  
Société des Télécommunications Internationales du Cameroun (INTELCAM)  
Aliant Inc., Bell Canada, Manitoba Telecom Services, SaskTel, Telus Communications  
Cabo Verde Telecom Sarl  
Société Centrafricaine des Télécommunications (SOCATEL)  
Société des Télécommunications Internationales du Tchad (TIT)  
CTC  
China Telecom, China Netcom  
Empresa Nacional de Telecomunicaciones  
Société Nationale des Postes et Télécommunications (SNPT)  
Office National des Postes et des Télécommunications (ONPT)  
Instituto Costarricense de Electricidad (ICE)  
Société Côte d'Ivoire-TELECOM (CI-TELECOM)  
Croatia Telecom (HT)  
Empresa Telecomunicaciones de Cuba S.A. (ETECSA)  
Cyprus Telecommunications Company  
SPT Telecom  
Office Congolais des Postes et des Télécommunications (OCPT)  
Tele Danmark A/S  
Société Telecom International (STID)  
Telecommunications of Dominica  
Compañía Dominicana de Teléfonos (CODETEL)  
Emetel

<b><u>Destination Market</u></b>	<b><u>Dominant Operators</u></b>
Egypt	Andinatel
El Salvador	Pacifictel
	Egypt Telecom
	Compañía de Telecomunicaciones de El Salvador
Equatorial Guinea	La Sociedad Anonima de Telecomunicaciones de la Republica
de Guinea	Guinea Ecuatorial (GETESA)
Eritrea	Telecommunications Services of Eritrea (TSE)
Estonia	Estonian Telephone Company
Ethiopia	Ethiopian Telecommunications Corporation (ETC)
Finland	TeliaSonera
France	France Télécom
Gabon	Télécommunications Internationales Gabonaises (TIG)
Gambia	Gambia Telecommunications Company, Ltd. (GAMTEL)
Georgia	Georgia Telecom (GTC)
Germany	Deutsche Telekom AG
Ghana	Ghana Telecommunications Company
Greece	Hellenic Telecommunications Organization (OTE)
Grenada	Grenada Telecommunications
Guatemala	Telecomunicaciones de Guatemala (Telgua)
Guinea	Société des Télécommunications de Guinée (SOTELGUI)
Guinea-Bissau	Companhia de Telecomunicações da Guiné-Bissau, sarl (Guiné-Telecom)
Guyana	Guyana Telephone and Telegraph Ltd.
Haiti	Telecommunications d'Haiti S.A.M.
Holy See (Vatican City)	Telecom Italia
Honduras	Empresa Hondureña de Telecomunicaciones
Hong Kong	Pacific Century CyberWorks HKT
Hungary	Hungarian Telecommunication Co. (MATAV)
Iceland	Landssiminn
India	Videsh Sanchar Nigam Limited (VSNL)
Indonesia	PT Indosat
Iran	Telecommunciations Company of Iran
Iraq	Ministry of Telecommunications
Ireland	Telecom Eireann
Israel	Bezeq
Italy	Telecom Italia
Jamaica	Cable & Wireless Jamaica
Japan	KDDI
	Nippon Telegraph & Telephone Corporation (NTT)
Jordan	Jordan Telecommunications Corporation (JTC)
Kazakhstan	Kazakhtelecom
Kenya	Telkom Kenya Limited
Kiribati	Telecom Services Kiribati Limited

Korea (South)	Korea Telecom
Korea (North)	Pycompute Pyongyang
Kuwait	Ministry of Communications
Kyrgyzstan	Kyrgyztelecom
<b><u>Destination Market</u></b>	<b><u>Dominant Operators</u></b>
Laos	Enterprise of Telecommunications Lao (ETL) Lao Shinawatra Telecom Company
Latvia	Lattelekom
Lebanon	Ministry of Posts and Telecommunications
Lesotho	Lesotho Telecommunications Corporation (LTC)
Liberia	Liberia Telecommunications Corporation
Libya	General Post and Telecommunications Company (GPTC)
Liechtenstein	Swiss Telecom PTT
Lithuania	Lietuvos Telekom
Luxembourg	Luxembourg PTT
Macedonia	Makedonski Telekom (MT)
Madagascar	Telecom Malagasy (TELMA)
Malawi	Malawi Posts and Telecommunications Corporation (MPTC)
Malaysia	Telecom Malaysia
Maldives	DHIRAAGU
Mali	Société des Télécommunications du Mali (SOTELMA)
Malta	Telemalta Corporation
Marshall Islands	National Telecommunications Authority
Mauritania	Office des Postes et des Télécommunications (OPT)
Mauritius	Mauritius Telecom Limited
Mayotte	France Télécom
Mexico	Telefonos de Mexico (TelMex)
Micronesia	FSM Telecommunications
Moldova	Moldtelecom
Monaco	France Télécom
Mongolia	Mongolia Telecommunications Company
Morocco	Maroc Telecom
Mozambique	Telecomunicações de Moçambique
Namibia	Telecom Namibia
Nauru	Nauru Telcom
Nepal	Nepal Telecommunications Corporation
Netherlands	KPN Telecom N.V.
Netherlands Antilles	Antelecom N.V.
New Zealand	Telecom Corporation of New Zealand Ltd. (TCNZ)
Nicaragua	Enitel
Niger	Société nigérinne des télécommunications (SONITEL)
Nigeria	Nigerian Telecommunications Limited
Norway	Telenor AS
Oman	General Telecommunications Organization (GTO)

Pakistan	Pakistan Telecommunications
Palau	Palau National Communications Corporation (PNCC)
Palestine	Palestine Telecommunications Company P.L.C. (PALTEL)
Panama	INTEL
<b><u>Destination Market</u></b>	<b><u>Dominant Operators</u></b>
Papua New Guinea	Post & Telecommunications Corporation
Paraguay	Antelco
Peru	Telefónica del Peru
Philippines	Philippines Long Distance Telephone Company (PLDT)
Poland	Telekomunikacja Polska S.A.
Portugal	Portugal Telecom S.A.
Qatar	Qatar Public Telecommunications Corporation
Réunion	France Télécom
Romania	Romtelecom
Russia	Rostelecom
Rwanda	Rwandatel S.A. (RWANDATEL)
St. Kitts and Nevis	Cable & Wireless
St. Lucia	Cable & Wireless
St. Vincent and the Grenadines	Cable & Wireless
San Marino	Telecom Italia
Sao Tomé & Príncipe	Companhia Santomense de Telecomunicações, s.a.r.l. (CST)
Saudi Arabia	Saudi Telecommunications Company
Senegal	Société Nationale des Télécommunications du Sénégal (SONATEL)
Serbia and Montenegro	Serbija Telecom
Seychelles	Cable & Wireless (Seychelles) Ltd.
Sierra Leone	Sierra Leone Telecommunications Company (SIERRATEL)
Singapore	Singapore Telecom
Slovakia	Slovak Telecom (ST)
Slovenia	Telekom Slovenije (TS)
Solomon Islands	Solomon Telekom Company
Somalia	Ministry of Posts and Telecommunications
South Africa	Telkom SA Limited
Spain	Telefónica
Sri Lanka	Sri Lanka Telecom
Sudan	Sudan Telecommunications Company Ltd. (Sudatel)
Suriname	Telesur
Swaziland	Swaziland Posts and Telecommunications Corporation (SPTC)
Sweden	TeliaSonera
Switzerland	Swisscomm
Syria	Syrian Telecommunications Establishment (STE)
Taiwan	Chunghwa Telecom
Tajikistan	Tajiktelecom
Tanzania	Tanzania Telecommunications Corporation Limited (TTCL)

Thailand	Communications Authority of Thailand (CAT)
Togo	Société des Télécommunications du Togo (TOGO TELECOM)
Trinidad and Tobago	Telecom Services of Trinidad and Tobago
Tunisia	Tunisie Telecom
<b><u>Destination Market</u></b>	<b><u>Dominant Operators</u></b>
Turkey	Turk Telekomunikasyon A.S.
Turkmenistan	Turkmentelecom
Tuvalu	Ministry of Labor, Works and Communications
Uganda	Uganda Telecommunications Limited (UTC)
Ukraine	Ukrtelecom
United Arab Emirates	The Emirates Telecommunications Corp. Ltd. (Etisalat)
United Kingdom	British Telecom
Uruguay	Administración Nacional de Telecomunicaciones
Uzbekistan	Halqaro Telecom
Vanuatu	Vanuatu Telecom
Venezuela	Compañía Anónima Nacional Teléfonos de Venezuela
Vietnam	Viet Nam Post and Telecommunications Corporation (VNPT)
Western Samoa	Postal and Telecommunications Department
Yemen	Yemen International Telecommunications Company (TELEYEMEN)
Zambia	Zambia Telecommunications Company Limited (Zamtel)
Zimbabwe	Posts and Telecommunications Corporation (PTC)

**Additional carriers included on this list:**

All incumbent local exchange carriers in the destination markets above.

All carriers that control, are controlled by, or are under common control with, a carrier listed above in the particular destination market.

For additional information, please contact Peggy Reitzel or Mark Uretsky, Policy Division, International Bureau, (202) 418-1460.

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