



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 12th STREET S.W.  
WASHINGTON D.C. 20554

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News media information 202-418-0500  
Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)  
TTY (202) 418-2555

DA No. 09-2631

Report No. TEL-01402

Thursday December 24, 2009

## INTERNATIONAL AUTHORIZATIONS GRANTED

### Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) Requests

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the 25 percent foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b)(4).

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see Section 1.4(b)(2)).

An updated version of Sections 63.09–.25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>.

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

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ISP-PDR-20090826-00008

E

T-Mobile USA, Inc.

Petition for Declaratory Ruling

Grant of Authority

Date of Action: 12/21/2009

T-Mobile USA, Inc. (T-Mobile or "Petitioner") requests a declaratory ruling, pursuant to section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), that it is not contrary to the public interest for Deutsche Telekom AG and its German shareholders to increase their indirect ownership interest in WALLC License, LLC (WALLC License Sub) from 30 percent, as previously authorized by the Commission, to 100 percent. WALLC License Sub is wholly owned by Wireless Alliance, LLC which is, in turn, owned by T-Mobile (30%) and Cellco Partnership d/b/a Verizon Wireless (Verizon Wireless) (70%). T-Mobile filed its petition in connection with the application to transfer control of WALLC License Sub from Verizon Wireless to T-Mobile. See ULS File No. 0003946812. WALLC License Sub holds two 20 MHz B block broadband Personal Communications Service (PCS) licenses that cover portions of Minnesota, North Dakota and South Dakota.

T-Mobile and Verizon Wireless have executed an Exchange Agreement dated August 5, 2009 (the "Agreement") under which licensee-subidiaries of T-Mobile will assign certain PCS spectrum located in Oklahoma, Georgia, South Carolina and West Virginia to Verizon Wireless. In return, Verizon Wireless will cause its wholly-owned subsidiary, Rural Cellular Corporation (RCC), to transfer to T-Mobile all of RCC's membership interests in WALLC to T-Mobile. Upon consummation of the transaction, WALLC and WALLC License Sub will become wholly-owned subsidiaries of T-Mobile.

T-Mobile, a Delaware corporation, is ultimately wholly owned by Deutsche Telekom AG (DT), a publicly traded German corporation. The Federal Republic of Germany (FRG) currently holds a 14.83 percent direct interest in DT. Kreditanstalt fur Wiederaufbau (KfW), a bank organized under the laws of Germany, holds a 16.87 percent direct interest in DT. KfW is majority owned (80%) and controlled by the FRG. DT holds its interests in T-Mobile indirectly through two wholly-owned, direct and indirect subsidiaries: T-Mobile Global Zwischenholding GmbH (TGZ) and T-Mobile Global Holding GmbH (TGH), respectively, both of which are organized in Germany.

The Commission has previously granted a declaratory ruling approving the 100 percent indirect foreign ownership of T-Mobile USA by DT. See Applications of VoiceStream Wireless Corp., Powertel, Inc., Transferors, and Deutsche Telekom AG, Transferee, IB Docket No. 00-187, Memorandum Opinion and Order, FCC 01-142, 16 FCC Rcd 9779 (2001). The Commission has extended that ruling to cover additional common carrier services (see International Authorizations Granted, File No. ISP-PDR-20060510-0013, Public Notice, DA 06-2441, 21 FCC Rcd 14062 (IB 2006)), and it has authorized T-Mobile/DT to acquire up to and including 100% of the equity and voting interests of other common carriers (see, e.g., T-Mobile USA, Inc. and SunCom Wireless Holdings, Inc., WT Docket No. 07-237 and File No. ISP-PDR-20071001-00013, Memorandum Opinion and Order, FCC 08-46, 23 FCC Rcd 2515 (2008)).

We find, pursuant to the rules and policies established by the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), that the public interest would not be served by prohibiting the 100 percent indirect foreign ownership of WALLC License Sub by DT and its German shareholders. Specifically, this declaratory ruling permits the indirect foreign ownership of WALLC License Sub by: (1) TGZ and TGH (individually), 100 percent equity and voting interests, and (2) Deutsche Telekom AG (individually) and its German shareholders (collectively), 100 percent equity and voting interests. WALLC License Sub may have up to and including an additional, aggregate 25 percent indirect equity and/or voting interests from other foreign individuals and entities without seeking further Commission approval, subject to the following conditions: any additional investment shall not cause the amount attributable to a single foreign individual or entity to exceed 25 percent of WALLC License Sub's indirect equity or voting interests, and WALLC License Sub shall seek Commission approval before it accepts additional indirect investment from the FRG in excess of the amount permitted through the FRG's direct and indirect investment in DT.

This ruling is conditioned on compliance with the provisions of the Agreement entered into on January 12, 2001, as amended, between DT and the United States Department of Justice, the Federal Bureau of Investigation, and the United States Department of Homeland Security (which was made a party to the Agreement in January 2008). The January 12, 2001 Agreement is appended to the DT-VoiceStream Order, 16 FCC Rcd 9779, Appendix B.

This ruling is without prejudice to Commission action on the application for consent to the transfer of control of WALLC License Sub from Verizon Wireless to T-Mobile (ULS File No. 0003946812).

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ITC-214-20090612-00283

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Hibernia Atlantic U.S. LLC

International Telecommunications Certificate

**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority

Date of Action: 12/11/2009

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

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ITC-214-20091120-00491

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China Dragon Telecom Ltd.

International Telecommunications Certificate

**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority

Date of Action: 12/18/2009

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

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**ITC-214-20091120-00492**      E                      Avaya Inc.

International Telecommunications Certificate

**Service(s):**            Global or Limited Global Resale Service

Grant of Authority

Date of Action:      12/18/2009

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

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**ITC-214-20091123-00501**      E                      SAL Spectrum, LLC

International Telecommunications Certificate

**Service(s):**            Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority

Date of Action:      12/18/2009

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

SAL agrees to be classified as a dominant carrier on the U.S.- Guyana route pursuant to Section 63.10 of the Commission's rules, 47 C.F.R § 63.10.

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**ITC-214-20091125-00519**      E                      Associated Telecommunications Management Services, LLC

International Telecommunications Certificate

**Service(s):**            Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority

Date of Action:      12/18/2009

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

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**ITC-AMD-20091202-00508**      P                      TRINITY COMMUNICATIONS LTD

Amendment

Grant of Authority

Date of Action:      12/18/2009

Amendment filed to ITC-T/C-20090506-00204, an application for consent to the transfer of control of international section 214 authorization, ITC-214-20030515-00268, held by Trinity Communications Ltd. (Trinity) from Columbus Communications Ltd. (Columbus) to Cable Bahamas Ltd. (CBL).

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Transfer of Control  
Grant of Authority

Date of Action: 12/18/2009

**Current Licensee:** TRINITY COMMUNICATIONS LTD

**FROM:** COLUMBUS COMMUNICATIONS LTD

**TO:** CABLE BAHAMAS LTD.

Application for consent to the transfer of control of international section 214 authorization, ITC-214-20030515-00268, held by Trinity Communications Ltd. (Trinity) from Columbus Communications Ltd. (Columbus) to Cable Bahamas Ltd. (CBL). See DA 09-1856, rel. August 25, 2009. (The application was amended on December 2, 2009, ITC-AMD-20091202-00508.) Trinity is a wholly-owned subsidiary of Caribbean Crossing Ltd., which in turn is a wholly-owned subsidiary of CBL. Columbus is the controlling shareholder of CBL through a 30.2% equity interest in CBL and voting authority to elect three (3) of the five (5) directors of CBL.

Pursuant to the terms of a Share Purchase Agreement executed between CBL, Columbus and its indirect parent Columbus Communications Inc., Columbus will sell and CBL will purchase 100 percent of the shares in CBL currently owned by Columbus. As a result of the proposed transaction, the other existing owners will increase their ownership of CBL.

CBL has entered into a Trust Declaration pursuant to which 5,000,000 shares of CBL common stock currently held by Columbus will be held by a newly created trust independent of both CBL and the Government of the Bahamas (the "Trust"). Consequently, the Trust will have a 26.74% equity and voting interest in CBL. The trustee is Dr. Keva Bethel, a citizen of the Commonwealth of the Bahamas. The Government of the Bahamas will have a combined 21.39% equity and voting interest in CBL. (The National Insurance Board (NIB), an instrumentality of the Government of the Bahamas will hold a 16.23% interest and the Treasurer of the Government of the Bahamas will have a 5.16% interest.) No other individuals or entities will have a 10 percent or greater direct or indirect equity or voting interest in CBL.

The Trust will terminate 14 days after the occurrence of the first of the following to occur: (a) the sale by Bahamas Telecommunications Corporation of more than 50% of its capital shares to a third party other than the Government of The Bahamas or an instrumentality thereof; (b) the admission of the Commonwealth of The Bahamas to the World Trade Organization; (c) the dilution of the interest in CBL held by the Government of The Bahamas to a level that, if the Trust Shares were transferred to CBL, the combined equity and voting interest of the Government of The Bahamas in CBL would be 25% or less; or (d) the dissolution or liquidation of CBL. At that time the shares of CBL held by the trust will be distributed to the other existing owners of CBL and the Government of the Bahamas will have a 29.2% ownership interest in CBL. (NIB will hold a 21.9% interest and the Treasurer will have a 7.3% interest.) No other individuals or entities will have a 10 percent or greater direct or indirect equity or voting interest in CBL.

Grant of this application is conditioned upon Applicant notifying the Commission in writing of the termination of the Trust, the basis for the termination of the Trust, and the final equity and voting interests in Cable Bahamas Ltd. within thirty (30) days of the termination of the Trust.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

Transfer of Control  
Grant of Authority

Date of Action: 12/18/2009

**Current Licensee:** NuVox, Inc.

**FROM:** NuVox, Inc.

**TO:** Windstream Corporation

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-19990323-00165, held by NuVox, Inc. (NuVox) to Windstream Corporation (Windstream). The following wholly-owned subsidiaries of NuVox provide international service under authority of international section 214 authorization, ITC-214-19990323-00165, pursuant to section 63.21(h) of the Commission's rules, 47 C.F.R. §63.21(h): NuVox Communications, Inc.; NewSouth Communications of Virginia, Inc.; NuVox Communications of Arkansas, Inc.; NuVox Communications of Illinois, Inc.; NuVox Communications of Indiana, Inc.; NuVox Communications of Kansas, Inc.; NuVox Communications of Missouri, Inc.; NuVox Communications of Ohio, Inc.; and, NuVox Communications of Oklahoma; Inc.

Pursuant to the terms of an agreement and plan of merger executed on November 2, 2009, Windstream will acquire all of the shares of, and sole controlling interest in, NuVox. NuVox will merge with Night Merger Sub, Inc. (Newco), a wholly-owned subsidiary of Windstream. NuVox will emerge as the surviving entity, Newco will cease to exist as a separate corporate entity, and NuVox will be a wholly-owned subsidiary of Windstream. Windstream is a publicly-traded corporation in which no individual or entity holds 10 percent or greater direct or indirect equity or voting interest.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

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ITC-T/C-20091214-00533 E

Comanche County Telecommunications, L.P.

Transfer of Control

Grant of Authority

Date of Action: 12/23/2009

**Current Licensee:** Comanche County Telecommunications, L.P.

**FROM:** Comanche County Telephone Company, Inc.

**TO:** Totelcom Communications, LLC

Notification filed December 14, 2009 of the pro forma transfer of control of international section 214 authorization, ITC-214-19990630-00431, held by Comanche County Telecommunications, L.P. (CCTLP), from Comanche County Telephone Company, Inc. (Comanche), to Totelcom Communications, LLC (Totelcom), effective December 9, 2009. Pursuant to a corporate restructuring, Comanche, the 100% direct parent of CCTLP, converted from a corporation to a limited liability company and changed its name from Comanche to Totelcom. First American Communications Enterprise, Inc. (FACE) held 100% of the stock of Comanche and now holds 100% of the membership interests in Totelcom.

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**SURRENDER**

**ITC-214-19941204-00392**

Crawford Communications, Inc.

By letter filed December 17, 2009, Applicant notified the Commission of the Surrender of its international section 214 authorization, effective December 17, 2009.

## CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is attached to this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>. It also will be attached to each Public Notice that grants international Section 214 authority.

(2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.

(3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.

(4) Carriers shall comply with the Commission's International Settlements Policy and associated filing requirements contained in Sections 43.51, 64.1001 and 64.1002 of the Commission's Rules, 47 C.F.R. §§ 43.51, 64.1001, 64.1002. The Commission modified these requirements most recently in International Settlements Policy Reform: International Settlement Rates, First Report and Order, FCC 04-53, 19 FCC Rcd 5709 (2004). In addition, any carrier interconnecting private lines to the U.S. public switched network at its switch, including any switch in which the carrier obtains capacity either through lease or otherwise, shall file annually with the Chief, International Bureau, a certified statement containing, on a country-specific basis, the number and type (e.g., 64 kbps circuits) of private lines interconnected in such manner. The Commission will treat the country of origin information as confidential. Carriers need not file their contracts for interconnection unless the Commission specifically requests. Carriers shall file their annual report on February 1 (covering international private lines interconnected during the preceding January 1 to December 31 period) of each year. International private lines to countries which the Commission has exempted from the International Settlements Policy at any time during a particular reporting period are exempt from this requirement. See 47 C.F.R. § 43.51(d). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at [http://www.fcc.gov/ib/pd/pf/isp\\_exempt.html](http://www.fcc.gov/ib/pd/pf/isp_exempt.html).

(5) Carriers authorized to provide private line service either on a facilities or resale basis are limited to the provision of such private line service only between the United States and those foreign points covered by their referenced applications for Section 214 authority. A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 C.F.R. § 63.23(d).

(6) A carrier may engage in "switched hubbing" to countries that do not appear on the Commission's list of U.S. international routes that are exempt from the International Settlements Policy, set forth in Section 64.1002, 47 C.F.R. § 64.1002, provided the carrier complies with the requirements of Section 63.17(b) of the rules, 47 C.F.R. § 63.17(b). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at [http://www.fcc.gov/ib/pd/pf/isp\\_exempt.html](http://www.fcc.gov/ib/pd/pf/isp_exempt.html).

(7) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.

(8) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.

(9) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a). Carriers shall also file the quarterly reports required by Section 43.61 in the circumstances specified in paragraphs (b) and (c) of

that Section.

(10) Carriers shall file annual reports of circuit status and/or circuit additions in accordance with the requirements set forth in Rules for Filing of International Circuit Status Reports, CC Docket No. 93-157, Report and Order, 10 FCC Rcd 8605 (1995). See 47 C.F.R. § 43.82. See also §§ 63.22(e), 63.23(e). These requirements apply to facilities-based carriers and private line resellers, respectively. See also <http://www.fcc.gov/ib/pd/pf/csmanual.html>.

(11) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. Further, the grant of these applications shall not be construed to include authorization for the transmission of money in connection with the services the applicants have been given authority to provide. The transmission of money is not considered to be a common carrier service.

(12) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(13) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.

(14) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

#### Exclusion List for International Section 214 Authorizations

-- Last Modified December 22, 1999 --

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). In addition, the facilities listed shall not be used by U.S. carriers authorized under Section 63.18 of the Commission's Rules unless the carrier's Section 214 authorization specifically lists the facility. Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See generally 47 C.F.R. § 63.22.

#### Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice Report No. I-6831, dated July 27, 1993, "FCC to Accept Applications for Service to Cuba.")

#### Facilities:

All non-U.S.-licensed satellite systems that are not on the Permitted Space Station List, maintained at <http://www.fcc.gov/ib/sd/se/permitted.html>. See International Bureau Public Notice, DA 99-2844 (rel. Dec. 17, 1999).

This list is subject to change by the Commission when the public interest requires. Before amending the list, the Commission will first issue a public notice giving affected parties the opportunity for comment and hearing on the proposed changes. The Commission may then release an order amending the exclusion list. This list also is subject to change upon issuance of an Executive Order. See Streamlining the Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, FCC 96-79, 11 FCC Rcd 12,884, released March 13, 1996 (61 Fed. Reg. 15,724, April 9, 1996). A current version of this list is maintained at <http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist>.

For additional information, contact the International Bureau's Policy Division, (202) 418-1460.