



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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WASHINGTON D.C. 20554

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DA No. 10-2200

Report No. TEL-01466

Thursday November 18, 2010

## 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.

Petition for Declaratory Ruling

Grant of Authority

Date of Action: 11/17/2010

T-Mobile USA, Inc. ("T-Mobile" or "Petitioner") requests a declaratory ruling under section 310(b)(4) of the Communications Act, as amended, that would allow up to 100 percent indirect foreign ownership in Cook Inlet GSM IV PCS Holdings, LLC ("Cook IV"). As part of its request, T-Mobile seeks approval of the intermediate foreign holding companies in Cook IV's vertical ownership chain as described below. In addition, T-Mobile requests that such approval extend not only to Cook IV but also to T-Mobile's other wholly-owned licensee subsidiaries: Omnipoint NY MTA License LLC; Powertel Memphis Licenses, Inc.; T-Mobile License LLC (f/k/a VoiceStream PCS BTA I License Corporation); T-Mobile West Corporation (f/k/a VoiceStream Houston, Inc.); VoiceStream Pittsburgh, L.P.; Cook Inlet GSM IV PCS Holdings LLC; SunCom Wireless License Company, LLC; SunCom Wireless Puerto Rico License Company, LLC; and, T-Mobile Puerto Rico LLC (the "T-Mobile License Subsidiaries").

Petitioner asserts that the Commission has previously approved indirect foreign ownership of T-Mobile and its licensee subsidiaries in the VoiceStream-DT Order, IB Docket No. 00-187, FCC 01-142, 16 FCC Rcd 9779 (2001), authorizing up to 100 percent indirect foreign investment by DT and its German shareholders, and by the German government through its investment in Deutsche Telekom AG ("DT") (up to and including 43 percent).

Cook IV and the T-Mobile Licensee Subsidiaries are U.S.-organized companies that are directly or indirectly wholly owned by T-Mobile, a Delaware corporation. T-Mobile is wholly owned by T-Mobile Global Holding GmbH ("T-Mobile Global"), which is wholly owned by T-Mobile Global Zwischenholding GmbH ("TGZ"), which in turn is wholly owned by DT, a publicly traded company organized in Germany. The Federal Republic of Germany ("FRG") holds a 14.83 percent direct interest in DT, and Kreditanstalt für Wiederaufbau ("KfW"), a bank organized under the laws of Germany and controlled by the FRG, holds a 16.87 percent direct interest in DT. The FRG holds an 80 percent interest in KfW. Petitioner states that like DT, T-Mobile Global and TGZ are organized under the laws of Germany, a World Trade Organization ("WTO") Member country. According to the Petition, T-Mobile Global and TGZ are established as holding companies and the majority of their officers and directors are German residents and nationals.

We find, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), that it is in the public interest to allow the 100 percent indirect foreign ownership of Cook IV and the T-Mobile Licensees by DT and its German shareholders. Specifically, this declaratory ruling permits the indirect foreign ownership of Cook IV and the T-Mobile Licensees by: (1) TGZ and "T-Mobile Global" (individually), 100 percent equity and voting interests, and (2) Deutsche Telekom AG (individually) and its German shareholders (collectively), 100 percent equity and voting interests. Cook IV and the T-Mobile Licensees 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 indirect equity or voting interests of Cook IV and the T-Mobile Licensees, and Cook IV and the T-Mobile Licensees shall seek Commission approval before they accept 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.

International Telecommunications Certificate

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

Grant of Authority

Date of Action: 10/25/2010

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).

We grant the Petition to Adopt Conditions to Authorizations and Licenses filed in the proceeding on October 22, 2010, by the Department of Justice ("DOJ") and the Department of Homeland Security ("DHS"). Accordingly, we condition grant of this application on the commitments and undertakings set forth in the September 30, 2010 Letter of Assurance ("LOA") from Bjarni K. Thorvardarson, CEO of Hibernia Group ehf, to David Heyman, Assistant Secretary for Policy, DHS, Cheryl J. Roby, Assistant Secretary of Defense for Networks NII, DOD, Robert S. Gorman, General Counsel, Defense Information System Agency, DOD, and David Kris, Assistant Attorney General, National Security Division, DOJ. The Petition and the LOA may be viewed on the FCC's website through the International Bureau Filing System (IBFS) by searching for ITC-214-20100303-00093 and accessing "Other Filings related to this application" from the Document Viewing Area.

International Telecommunications Certificate

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

Grant of Authority

Date of Action: 11/17/2010

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-214-20100929-00395** E CLEAR CHOICE TELECOM INC.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 11/12/2010

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-214-20101014-00406** E FPL FiberNet 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: 11/12/2010

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-214-20101015-00407** E Mosaic Networx 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: 11/12/2010

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-214-20101019-00402** E Archura Telecom 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: 11/12/2010

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-214-20101019-00408** E RCN New York Communications, LLC d/b/a Sidera Networks  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service  
Grant of Authority Date of Action: 11/12/2010

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

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**ITC-214-20101026-00422** E Universal Telesolutions, Inc.  
International Telecommunications Certificate  
**Service(s):** Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service  
Grant of Authority Date of Action: 11/12/2010

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-214-20101026-00424** E Voxus Communications, 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: 11/12/2010

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-ASG-20100922-00371 E

Birch Telecom, Inc.

Assignment

Grant of Authority

Date of Action: 11/12/2010

**Current Licensee:** American Fiber Network, Inc.

**FROM:** American Fiber Network, Inc.

**TO:** Birch Telecom, Inc.

Application filed for consent to the partial assignment of certain assets from American Fiber Network, Inc. (AFN) to Birch Telecom, Inc. (Birch Telecom), a wholly owned subsidiary of Birch Communications, Inc. (BCI). Pursuant to the terms of a Sale Agreement executed on September 3, 2010, BCI agreed to purchase certain assets, including customer accounts of AFN. Birch Telecom will receive customers in the states of Alabama, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, Ohio, Oregon, South Carolina, Tennessee, Texas, Washington, and Wisconsin. Birch Telecom will provide international service to these newly acquired customers pursuant to its existing international section 214 authorization, ITC-214-19970701-00441. AFN will continue to provide international service pursuant to its international section 214 authorization, ITC-214-19990908-00561.

Birch Telecom is a wholly-owned subsidiary of BCI, which is wholly-owned by Birch Communications Holdings, Inc. (Birch Holdings). Birch Holdings is owned by two individuals, Holcombe Green (66%), R. Kirby Godsey (32%), both U.S. citizens.

The following wholly-owned subsidiaries of Birch Telecom provide international service under authority of the section 214 authorization held by Birch Telecom, ITC-214-19990701-00441, pursuant to section 63.21(h) of the Commission's rules, 47 C.F.R. § 63.21(h): Birch Telecom of Missouri, Inc.; Birch Telecom of Kansas, Inc.; Birch Telecom of Texas LTD LLP; Birch Telecom of Oklahoma, Inc.; Birch Telecom of the South, Inc.; Birch Telecom of the Great Lakes, Inc.; Birch Telecom of the West, Inc.; Birch Communications of the Northeast, Inc.; IONEX Communications, Inc.; IONEX Communications South, Inc.; and, IONEX Communications North, Inc.

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

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ITC-ASG-20100922-00372 E

Birch Communications, Inc.

Assignment

Grant of Authority

Date of Action: 11/12/2010

**Current Licensee:** American Fiber Network, Inc.

**FROM:** American Fiber Network, Inc.

**TO:** Birch Communications, Inc.

Application filed for consent to the partial assignment of certain assets from American Fiber Network, Inc. (AFN) to Birch Communications, Inc. (BCI). Pursuant to the terms of a Sale Agreement executed on September 3, 2010, BCI agreed to purchase certain assets, including customer accounts of AFN. BCI will receive customers in the states of Massachusetts, New Jersey, New York, Pennsylvania, and Virginia. BCI will provide international service to these newly acquired customers pursuant to its existing international section 214 authorization, ITC-214-19970926-00584. AFN will continue to provide international service pursuant to its international section 214 authorization, ITC-214-19990908-00561.

BCI is wholly-owned by Birch Communications Holdings, Inc. (Birch Holdings). Birch Holdings is owned by two individuals, Holcombe Green (66%), R. Kirby Godsey (32%), both U.S. citizens.

Birch Communications of Virginia, Inc, a wholly-owned subsidiary of BCI, provides international service under authority of the section 214 authorization held by BCI, ITC-214-19990908-00561, pursuant to section 63.21(h) of the Commission's rules, 47 C.F.R. § 63.21(h).

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

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Transfer of Control

Grant of Authority

Date of Action: 11/12/2010

**Current Licensee:** LIFE VOICE, INC.

**FROM:** Long Island Fiber Exchange, Inc.

**TO:** RCN Corporation

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-20080303-00093, held by Life Voice, Inc. (Life Voice), from its 100 percent parent Long Island Fiber Exchange, Inc. (Life), to RCN Corporation d/b/a Sidera Networks (Sidera). Pursuant to the terms of a letter of intent, Sidera NY Acquisition Corporation, a subsidiary of Sidera, will merge with and into Life, with Life emerging as the surviving entity. Upon closing, Life and Life Voice will become wholly owned direct and indirect subsidiaries of Sidera, respectively.

Sidera is wholly owned by Yankee Metro Parent, Inc., which in turn is owned by Yankee Metro Partners, LLC (YMP). YMP is majority owned by ABRY Partners VI, L.P. (ABRY Partners VI), and ABRY Senior Equity III, L.P. (ABRY Senior Equity III). ABRY Partners VI, L.P., is the sole partner of ABRY Partners VI, which holds all voting interests in YMP. The sole general partner of ABRY VI Capital Partners, L.P., is ABRY VI Capital Investors, LLC (ABRY VI Capital Investors). The sole owner of ABRY VI Capital Investors is Royce Yudkoff, a U.S. citizen. Mr. Yudkoff ultimately controls the general partners of ABRY Partners VI, L.P., and ABRY, Senior Equity III. No other entity or individual holds directly or indirectly 10 percent or greater ownership interests in Yankee Metro Parent.

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

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**Dismissal**

**ISP-PDR-20090806-00005**

Green Eagle Communications, Inc.

Petition for 310(b)(4) declaratory ruling hereby dismissed as moot because the underlying wireless application, ULS File No. 000392139, was withdrawn. This dismissal is without prejudice to re-filing the petition in accordance with the Commission's rules and policies.

## 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

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 47 C.F.R. § 63.22(c).

#### Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice, DA 10-112, dated January 21, 2010, "Modification of Process to Accept Applications for Service to Cuba and Related Matters.")

#### 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.