

**§ 43.53**

No. 96-261, *Report and Order*, 12 FCC Rcd 19,806, 62 FR 45758 (August 29, 1997).

[51 FR 45890, Dec. 23, 1986, as amended at 56 FR 25371, June 4, 1991; 57 FR 647, Jan. 8, 1992; 58 FR 48323, Sept. 15, 1993; 60 FR 52866, Oct. 11, 1995; 61 FR 59200, Nov. 21, 1996; 62 FR 5541, Feb. 6, 1997; 62 FR 8633, Feb. 26, 1997; 62 FR 64751, Dec. 9, 1997; 64 FR 34740, June 29, 1999]

**§ 43.53 Reports regarding division of international toll communication charges.**

(a) Each communication common carrier engaged directly in the transmission or reception of telegraph communications between the continental United States and any foreign country (other than one to which the domestic word-count applies) shall file a report with the Commission within thirty (30) days of the date of any arrangement concerning the division of the total telegraph charges on such communications other than transiting. A carrier first becoming subject to the provisions of this section must, within thirty (30) days thereafter, file with the Commission a report covering any such existing arrangements.

(b) In the event that any change is made which affects data previously filed, a revised page incorporating such change or changes must be filed with the Commission not later than thirty (30) days from the date the change is made, provided, however, that any change in the amount of foreign participation in charges for outbound communications or in the respondent's participation in charges for inbound communications must be filed not later than thirty (30) days from the date the change is agreed upon.

(c) A single copy of each such report must be filed in a format that contains a clear, concise and definite statement of the arrangements.

[51 FR 45891, Dec. 23, 1986, as amended at 52 FR 8453, Mar. 18, 1987]

**§ 43.61 Reports of international telecommunications traffic.**

(a) Each common carrier engaged in providing international telecommunications service between the area comprising the continental United States, Alaska, Hawaii, and off-shore U.S. points and any country or point outside that area shall file a report with

the Commission not later than July 31 of each year for service actually provided in the preceding calendar year.

(1) The information contained in the reports shall include actual traffic and revenue data for each and every service provided by a common carrier, divided among service billed in the United States, service billed outside the United States, and service transiting the United States. In addition, it shall include the number of minutes of out-bound and inbound traffic settled pursuant to each alternative arrangement entered into pursuant to § 64.1002 of this chapter.

(2) Each common carrier shall submit a revised report by October 31 identifying and correcting any inaccuracies included in the annual report exceeding five percent of the reported figure.

(3) The information required under this section shall be furnished in conformance with the instructions and reporting requirements prepared under the direction of the Chief, Common Carrier Bureau, prepared and published as a manual, in consultation and coordination with the Chief, International Bureau.

(b) *Quarterly Traffic Reports.* (1) Each common carrier engaged in providing international telecommunications service between the area comprising the continental United States, Alaska, Hawaii, and off-shore U.S. points and any country or point outside that area shall file with the Commission, in addition to the report required by paragraph (a) of this section, actual traffic and revenue data for each calendar quarter in which the carrier's quarterly minutes exceed the corresponding minutes for all carriers by one or more of the following tests:

(i) The carrier's aggregate minutes of facilities-based or facilities resale switched telephone traffic for service billed in the United States are greater than 1.0 percent of the total of such minutes of international traffic for all U.S. carriers published in the Commission's most recent § 43.61 annual report of international telecommunications traffic;

(ii) The carrier's aggregate minutes of facilities-based or facilities resale switched telephone traffic for service billed outside the United States are

greater than 1.0 percent of the total of such minutes of international traffic for all U.S. carriers published in the Commission's most recent § 43.61 annual report of international telecommunications traffic;

(iii) The carrier's aggregate minutes of facilities-based or facilities switched telephone traffic for service billed in the United States for any foreign country are greater than 2.5 percent of the total of such minutes of international traffic for that country for all U.S. carriers published in the Commission's most recent § 43.61 annual report of international telecommunications traffic; or

(iv) The carrier's aggregate minutes of facilities-based or facilities resale switched telephone traffic for service billed outside the United States for any foreign country are greater than 2.5 percent of the total of such minutes of international traffic for that country for all U.S. carriers published in the Commission's most recent § 43.61 annual report of international telecommunications traffic.

(2) Except as provided in this paragraph, the quarterly reports required by paragraph (b)(1) of this section shall be filed in the same format as, and in conformance with, the filing procedures for the annual reports required by paragraph (a) of this section.

(i) Carriers filing quarterly reports shall include in those reports only their provision of switched, facilities-based telephone service and switched, facilities resale telephone service.

(ii) The quarterly reports required by paragraph (b)(1) of this section shall be filed with the Commission no later than April 30 for the prior January through March quarter; no later than July 31 for the prior April through June quarter; no later than October 31 for the prior July through September quarter; and no later than January 31 for the prior October through December period.

(c) Each common carrier engaged in the resale of international switched services that is affiliated with a foreign carrier that has sufficient market power on the foreign end of an international route to affect competition adversely in the U.S. market and that collects settlement payments from

U.S. carriers shall file a quarterly version of the report required in paragraph (a) of this section for its switched resale services on the dominant route within 90 days from the end of each calendar quarter. For purposes of this paragraph, *affiliated* and *foreign carrier* are defined in § 63.09 of this chapter.

[57 FR 8580, Mar. 11, 1992, as amended at 60 FR 5333, Jan. 27, 1995; 62 FR 5541, Feb. 6, 1997; 62 FR 45761, Aug. 29, 1997; 64 FR 19061, Apr. 19, 1999]

#### § 43.72 [Reserved]

#### § 43.81 Reports of carriers owned by foreign telecommunications entities.

(a) The following carriers are required to file with the Commission an annual revenue and traffic report in triplicate with respect to all common carrier telecommunications services they offer within the United States.

(1) Cable and Wireless Communications, Inc.;

(2) FTCC Communications Inc.; and

(3) Consortium Communications International, Inc.

(b) The Chief, International Bureau has the authority to require that no more than six additional communications carriers owned by foreign telecommunications entities that are classified as dominant for the provision of international telecommunications services originating or terminating in the United States file § 43.81 reports.

(c) The report should be captioned—§ 43.81 report and should provide the following:

(1) Revenues, number of messages and number of minutes for message telephone service traffic originated and/or terminated by the filing carrier;

(2) Revenues, number of messages, and number of minutes for telex traffic originated and/or terminated by the filing carrier;

(3) Revenues, number of messages, and number of minutes for telegraph traffic originated and/or terminated by the filing carrier;

(4) Revenues, number of messages, and number of minutes for any other basic switched services (specified by service) originated and/or terminated by the filing carrier; and