

Dated: December 15, 1995.

John E. Veentjer,

Captain U.S. Coast Guard, Captain of the Port, Philadelphia, PA.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[IB Docket No. 95-22, FCC 95-475]

Market Entry and Regulation of Foreign-affiliated Entities

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order contains information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA, OMB, the general public, and other Federal agencies are invited to comment on the information collections contained in this proceeding.

On November 28, 1995, the Federal Communications Commission adopted a Report and Order in response to a Notice of Proposed Rulemaking which the Commission adopted on February 7, 1995, that establishes a market entry standard for foreign carriers seeking to provide basic international telecommunications services under section 214 of the Communications Act of 1934, as amended ("the Act"). The Report and Order also establishes a standard by which the Commission will review whether it is in the public interest to permit foreign investment in licensees of common carrier radio facilities in excess of the benchmarks contained in section 310(b)(4) of the Act. The Report and Order was adopted. The Report and Order makes additional changes to the Commission's regulations of international common carriers.

In reviewing applicants for international section 214 authority filed by a foreign carrier or its U.S. affiliate (collectively "foreign carrier"), the Commission will examine, as an important part of its public interest analysis, whether competitive opportunities exist for U.S. carriers in destination markets in which the foreign carrier has market power. The Commission will apply a similar analysis in reviewing indirect foreign investment in licensees of common carrier radio facilities under section 310(b)(4), but it will limit its review to the "home market" of the foreign

investor. In addition to considering effective competitive opportunities, the Commission will examine additional public interest factors that might weigh in favor of, or against, approving the foreign carrier's international section 214 application, or permitting the indirect foreign investment in a common carrier radio licensee to exceed the section 310(b)(4) benchmark.

In taking this action, the Commission's primary goal is to advance the public interest by promoting effective competition in the U.S. telecommunications services market, particularly the market for international services. The action also reaffirms the Commission's goals to prevent anticompetitive conduct in the provisions of international services or facilities, and to encourage foreign governments to open their communications markets.

EFFECTIVE DATE: The rules adopted in this Report and Order will become effective January 29, 1996. However, if OMB has not approved the information collections contained in these rules by this date, the Commission will publish a document to delay the effective date of these rules.

Written comments by the public on the information collections are due January 10, 1996.

ADDRESSES: Submit all comments concerning the Paperwork Reduction Act to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington, DC 20554, or via the Internet to dconway@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725-17th Street, NW., Washington, DC 20503 or via the Internet to fain-t@al.eop.gov.

FOR FURTHER INFORMATION CONTACT: For additional information concerning the information collections contained in this Report and Order contact Dorothy Conway at 202-418-0217, or via the Internet as dconway@fcc.gov.

For further information on the Report and Order contact: Susan O'Connell, Attorney, International Bureau, (202) 418-1484, Ken Schagrin, Attorney, International Bureau, (202) 418-1407, or Robert McDonald, Attorney, International Bureau, (202) 418-1467.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order adopted on November 28, 1995, and released November 30, 1995 (FCC 95-475). The full text of this Report and Order is available for inspection and copying during normal hours in the FCC Reference Center (Room 239), 1919 M St., NW., Washington, DC. The complete text also may be purchased from the

Commission's Copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037

Paperwork Reduction Act

The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this Report and Order. Comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

This Report and Order contains information collection requirements. Written comments by the public on the information collections are due January 10, 1996. Written comments must be submitted by OMB on the information collections on or before January 15, 1996.

OMB Approval Number: New Collection.

Title: Market Entry and Regulation of Foreign-affiliated Carriers.

Type of Review: New collection.

Respondents: Business or other for-profit.

Number of Respondents: 431 per year.
Estimated Time Per Response: 9.5 hours.

Total Annual Burden: 4127 hours.

Needs and Uses: The collections of information for which approval is here sought are contained in amendments to part 63 and in the Report and Order adopting such amendments. These information collections are authorized and necessary for the Commission to carry out its statutory mandate, pursuant to sections 4, 214, 219, 303(r) and 403 of the Communications Act, 47 U.S.C. 154, 214, 219, 303(r) and 403.

The information collections contained in amendments to §§ 63.01 (r) and (s) and 63.11 and 63.17(b)(4) of the Commission's rules are necessary to determine whether, and under what conditions, the public interest, convenience, and necessity will be served by authorizing particular foreign carriers, or their U.S. affiliates, to provide international common carrier services between the United States and countries where these foreign carriers have market power, *i.e.*, the ability to