

**SEPARATE STATEMENT  
OF  
COMMISSIONER JAMES H. QUELLO**

Re: *Applications of ACC Global Corp. and Alana Inc. to Resell International Private Lines  
for the Provision of Switched Services Between the United States and the United Kingdom*

I support the foundational finding of equivalency in this item. After careful review of the facts and circumstances under the tri-partite test enunciated in our *International Resale Order*, 7 FCC Rcd 559 (1192), this Commission finds that, on balance, the United Kingdom affords domestic carriers resale opportunities that are equivalent to those available under United States law; therefore, this Commission approves the instant 214 applications. This Memorandum Opinion, Order and Certification is a comprehensive evaluation of the regulatory status of the international simple resale in the United Kingdom.

This MO&O and Certification applies the Commission's test for equivalency and finds that the U.K. affords U.S.-based carriers: (1) open entry; (2) non-discriminatory treatment, and (3) inter-connection to the public switched network (PSN) at both ends. The finding of overall equivalency is based in part on the good faith efforts of the U.S. Federal Communication Commission's counterpart in the United Kingdom -- Oftel -- to ensure open entry, interconnection, and non-discrimination for U.S.-based carriers.

The MO&O and Certification addresses a number of concerns primarily raised by AT&T. In essence, AT&T sought assurances that they would not be discriminated against. Although it is not for this Commission to dictate regulatory policy in other countries, we can lead by example -- as we have done in the area of international simple resale. It is also proper for this Commission to rely on the assurances of our regulatory counterparts as developed in on-going bi- and multi-lateral discussions.

Accordingly, we will adjudge a finding of equivalency and impose certain conditions and reporting requirements. Significantly, we explicitly retain discretion to review the finding in light of subsequent developments. We will revisit the matter promptly if Oftel does not continue to make significant regulatory efforts to provide nondiscriminatory treatment to U.S.-based carriers.

In conclusion, I support the finding of equivalency and concomitant grant of the pending 214 applications to provide international simple resale because of, *inter alia*:

- (1) the commitments made by Oftel to review certain policies such as number portability and access deficit contributions (ADC's);
- (2) the explicit statement in the MO&O and Certification that the FCC will review this decision if Oftel does not grant waivers of ADC's to U.S.-based providers in a non-discriminatory fashion; and
- (3) the explicit pre-requisite that the United Kingdom must designate the United States as equivalent before the applicants can initiate their international private line resale services.