

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| CABLE & WIRELESS USA, INC. |) | |
| |) | |
| Application for a License to Land and Operate |) | File No. SCL-LIC-20010122-00002 |
| a Private Fiber-Optic Cable System |) | |
| Between the United States, |) | |
| the United Kingdom, and France |) | |
| |) | |

ORDER

Adopted: July 6, 2001

Released: July 9, 2001

By the Chief, Telecommunications Division, International Bureau:

1. Pursuant to the Cable Landing License Act¹ and Executive Order No. 10530,² on June 8, 2001, we granted authority to Cable & Wireless USA, Inc. (C&W USA) to land and operate a private fiber-optic submarine cable system to be called the Apollo Submarine Cable System (Apollo Cable) between the United States, the United Kingdom, and France.³ In this Order, at the request of C&W USA,⁴ we amend the *License Order* to reflect a change in the location of the landing station site in New York.⁵

2. On July 3, 2001, C&W USA notified us that for commercial reasons they had to move the New York landing site for the Apollo Cable to a plot adjacent to the one cited in the

¹ An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (Cable Landing License Act).

² Exec. Ord. No. 10530 *reprinted as amended* in 3 U.S.C. § 301.

³ *Cable & Wireless USA, Inc.; Application for a License to Land and Operate a Private Fiber-Optic Cable System Between the United States, the United Kingdom, and France*, File No. SCL-LIC-20010122-00002, Cable Landing License, DA 01-1395 (TD/IB rel. June 8, 2001) (*License Order*).

⁴ See letter from Joanna S. Lowry, Cable & Wireless USA, Inc., to Magalie Roman Salas, FCC, filed in File No. SCL-LIC-20010122-00002 (dated July 3, 2001) (*C&W USA Letter*).

⁵ The Apollo Cable also has a U.S. landing station in New Jersey. The location of the New Jersey landing station – Wall Township, Manasquan, New Jersey, at coordinates 40° 9 minutes 30.4 seconds north and 74° 6 minutes 5.8 seconds west – remains the same and is not affected by this Order.

License Order, and requested that we correct the *License Order* to reflect this new location.⁶ According to C&W USA, they encountered difficulties in purchasing the Tritec Park property, the landing site location set forth in the *License Order*. C&W USA was, however, able to purchase a plot in the same industrial subdivision – Brookhaven Technology Center, Shirely, New York -- which is adjacent to the original landing site location.⁷ The coordinates for this plot, the Parr Property, are 40° 50 minutes 30 seconds north and 72° 53 minutes 4 seconds west. C&W USA states that this change does not affect the environmental approvals necessary for permission to build the landing station.⁸

3. We find that this change in the location of the New York landing station, to an adjacent plot in the same industrial subdivision, does not affect our analysis in authorizing C&W to land and operate the Apollo Cable. Consequently, we grant C&W's request and amend the *License Order* to show the Parr Property as the New York landing station for the Apollo Cable.

4. ACCORDINGLY, paragraph 12 of *License Order*⁹ is amended to read as follows:

12. C&W USA states that the Apollo Cable landing stations in the United States will be located in New York and New Jersey. In New York, the cable landing station will be located on Parr Property, Brookhaven Technology Center, Shirley, New York, at coordinates 40° 50 minutes 30 seconds north and 72° 53 minutes 4 seconds west. In New Jersey, the cable landing station will be located in an eleven acre site in Wall Township, Manasquan, New Jersey, at coordinates 40° 9 minutes 30.4 seconds north and 74° 6 minutes 5.8 seconds west.

The Apollo Cable will land in Creathorne Farm, Bude, United Kingdom, at coordinates 50° 47.47 minutes north and 4° 32.17 minutes west. In France, the Apollo Cable will land in Keradrivin, Ville de Lannion, at coordinates 48° 45 minutes 4 seconds north and 3° 30 minutes 25 seconds west. C&W USA has complied with Section 1.767(a) of the Commission's rules, which requires applicants to file a specific description of any landing point, including a map.⁴⁶ The license therefore is not subject to any further public notice or Commission approval of the cable system's landing points pursuant to the procedure in Section 1.767(a).

⁶ C&W USA Letter.

⁷ See C&W Letter, Attachment (Shirley Plot Location Map). The map is attached to this Order.

⁸ C&W USA Letter

⁹ Cable & Wireless USA, Inc.; Application for a License to Land and Operate a Private Fiber-Optic Cable System Between the United States, the United Kingdom, and France, File No. SCL-LIC-20010122-00002, Cable Landing License, DA 01-1395 (TD/IB rel. June 8, 2001).

Further, footnote 46 of the *License Order* is amended to read as follows:

⁴⁶ Application at Exhibits B, C, D, E, and F. *See also* C&W April 26 Letter; Letter from Joanna S. Lowry, Cable & Wireless USA, Inc., to Magalie Roman Salas, FCC, filed in File No. SCL-LIC-20010122-00002 (dated July 3, 2001).

5. This Order is issued under Section 0.261 of the Commission's rules, 47 C.F.R. § 0.261(5), and is effective upon adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of public notice of this order (see 47 C.F.R. § 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

Rebecca Arbogast, Chief
Telecommunications Division
International Bureau