



PUBLIC NOTICE

Federal Communications Commission
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DA 04-988
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STREAMLINED SUBMARINE CABLE LANDING LICENSE APPLICATIONS ACCEPTED FOR FILING

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 1.767 of the Commission's rules, 47 C.F.R. § 1.767. Pursuant to the Submarine Cable Landing License Act, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301, each applicant seeks: (a) the grant of a cable landing licensee; (b) the modification of a cable landing license; and/or (c) the assignment or transfer of control of an interest in a submarine cable landing license.

Pursuant to its decision in *Review of Commission Consideration of Applications under the Cable Landing License Act*, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001) and section 1.767 of the rules, the Commission will take action upon these applications within forty-five (45) days after release of this public notice, unless the Commission has informed the applicant in writing that the application, upon further examination, has been deemed ineligible for streamlined processing.

Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206. Filings relating to this application must be received within 14 days of this notice. Such filings will not necessarily result in an application being deemed ineligible for streamlined processing.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street, SW, Washington DC 20554. The center can be contacted at (202) 418-0270. All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

SCL-T/C-20040309-00008

Applicant: Guam Cable Group, Inc.

Application to transfer control of minority interests in the cable landing licenses held by Guam Cable Group, Inc. ("Guam Cable") for the TPC-5 Cable (SCL-92-005(M)-2), China-U.S. Cable (SCL-LIC-98-002), and Guam-Philippines Cable (SCL-89-004) networks, from Startec Global Communications Corporation, Debtor-in-Possession ("Startec Parent"), to Allied Capital Corporation ("Allied").

According to the application, Guam Cable operates as a joint venture between Startec Parent's wholly-owned subsidiary, Startec Global Operating Company, Debtor-in-Possession ("Startec Operating"), and EC Communications, LLC ("ECC"). Startec Operating and ECC each own 50% of the outstanding common stock of, and share board and executive officer control of, Guam Cable.

Pursuant to a modified plan of reorganization for Startec Parent and its subsidiaries, approved by the U.S. Bankruptcy Court for the District of Maryland, Startec Parent proposes to cancel all its existing shares of authorized stock and to issue new shares of common stock, 68.5% of which would be held by Allied, a publicly-traded Maryland corporation. Allied would also select 5 of the 7 members of Startec Parent's board of directors. The plan of reorganization also provides for the issuance of common stock options to "eligible employees," that, if exercised, would dilute Allied's share of common stock to 58.22%. Applicants state that, upon consummation of the proposed transaction, Startec Operating would continue to be a wholly-owned subsidiary of Startec Parent and that there would be no change in the relationship between Startec Operating, Guam Cable, and ECC.

REMINDERS:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. *See* C.F.R. §§ 1.2001-1.2003.

The Commission most recently amended its rules applicable to submarine cable landing licensees in IB Docket No. 00-106, *Review of Commission Consideration of Applications under the Cable Landing License Act*, FCC 01-332, 16 FCC Rcd 22167 (2001), 67 Fed. Reg. 1615 (Jan. 14, 2001). An updated version of section 1.767 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/td/pf/telecomrules.html>. *See also* http://hraunfoss.fcc.gov/edoc_public/attachmatch/DA-02-5981A1.pdf for a March 13, 2002 Public Notice; http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-332A1.pdf for the December 14, 2001 Report and Order.

By this notice, we inform the public that submarine cable landing license applications and international section 214 applications that are part of larger transactions involving multiple Commission licenses or authorizations may involve "extraordinary circumstances" as referenced in *Review of Commission Consideration of Applications under the Cable Landing License Act*, Report and Order, 16 FCC Rcd 22167 (2001) and *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891 (1997), paras. 327-28, Order on Reconsideration, 15 FCC Rcd 18158 (2000). Additionally, these extraordinary circumstances may result where Executive Branch agencies

petition the Commission to defer decision on certain transactions pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may not be acted on within the 90-day review period that the Commission has established as the period of time normally required to reach a decision on non-streamlined cable landing licenses and international section 214 applications. This notice shall serve as public notice to applicants that, in these circumstances, additional time may be required for Commission review and final action. No additional formal public notice will be provided routinely with respect to specific applications in the event that the applicable review period extends beyond 90 days.
