



PUBLIC NOTICE

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Wednesday December 5, 2007

ACTIONS TAKEN UNDER CABLE LANDING LICENSE ACT

Section 1.767(a) Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Cable Landing Licenses (47 C.F.R. § 1.767(a))

By the Chief, Policy Division, International Bureau:

Pursuant to 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), Executive Order No. 10530, Exec. Ord. No. 10530 reprinted as amended in 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 C.F.R. § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules, 47 C.F.R. § 0.261. 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 this public notice.

This public notice serves as each cable landing licensee's Cable Landing License, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. Cable landing licensees should review carefully the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

The Commission most recently amended its rules applicable to submarine cable landing licenses 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), 67 Fed. Reg. 1615 (Jan. 14, 2002). An updated version of sections 1.767 and 1.768 of the rules is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>. See also http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-02-598A1.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.

Submarine Cable Landing License

Grant of Authority

Date of Action: 12/04/2007

Acceptability for Filing Public Notice: See ACS Cable Systems, Inc., Application for a License to Land and Operate a Non-Common Carrier Fiber-Optic Submarine Cable System linking Anchorage, Homer, Juneau and Nikiski, Alaska and Florence, Oregon -- ACS Cable System, File No. SCL-LIC-20071025-00018, Public Notice, Streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. SCL-00045S (Int'l Bur., November 9, 2007). No opposition or other comments were filed in response to Public Notice of the Application. Coordination with the Department of State and other Executive Branch agencies has been accomplished pursuant to section 1.767(b) of the Commission's rules, 47 C.F.R. § 1.767(b), and procedures established with the State Department. See Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167 (2001) (Submarine Cable Licensing Report and Order); Streamlined Procedures for Executive Branch Review of Submarine Cable Landing License Requests, Media Note (Revised) (rel. Dec. 20, 2001) available at <http://www.state.gov/r/pa/prs/ps/2001/6951.htm>

Actions Taken: Grant of Cable Landing License for the ACS Cable Systems, Inc. (ACS) to land and operate the ACS System, a non-common carrier fiber-optic submarine cable network linking Anchorage, Homer, Juneau and Nikiski, Alaska and Florence, Oregon, See Application for Cable Landing License, File No. SCL-LIC-20071025-00018 (Application).

Licensee Information: ACS, a Delaware corporation, is a wholly-owned subsidiary of Alaska Communication Systems Holding, Inc., which itself is a wholly-owned subsidiary of Alaska Communications Systems Group, Inc. (ACS Group). ACS Group is a publicly traded company in which no person or entity has a ten percent or greater equity or voting interest.

Cable System Description: The ACS system will consist of four segments: two primary submarine cable segments and two terrestrial segments. The first segment will consist of an un-repeated eight (8) fiber pair submarine cable between Anchorage, Alaska and Nikiski, Alaska. The second segment will consist of a terrestrial cable connecting Nikiski to Homer, Alaska. The third segment will consist of a repeated four (4) fiber pair submarine cable that extends from Homer, Alaska to Florence, Oregon. The fourth segment will consist of a terrestrial path connecting the landing station at Florence to the Pittock Building in Portland, Oregon and then on to the Westin Building in Seattle, Washington. Applicant also seeks authority to add a repeated single fiber pair submarine segment to connect Juneau, Alaska to the main segment running between Homer, Alaska and Florence, Oregon.

The ACS system will have four primary landing sites, three in Alaska (Anchorage, Nikiski, and Homer) and one in Oregon (Florence). An optional fifth landing site, in Juneau, Alaska, also is being considered. The cable system and all landing stations will be wholly-owned by ACS.

Cable Design and Capacity: The design capacity for all repeated segments will be 64x10Gbps per fiber pair. Initial capacity will be 4x10Gbps on one fiber pair from Homer to Florence, and an additional fiber pair equipped at 4x10Gbps on the Juneau branch, if that option is exercised. For the submerged segments connecting Homer, Alaska to Florence, Oregon, the ultimate capacity is 64 OC-192s per fiber pair. With 4 fiber pairs, the total bandwidth equals 256 OC-192s or 2.56 Terabits/sec.

Regulatory Status of Cable: ACS will operate the cable system on a non-common carrier basis. ACS states that there is sufficient existing or planned facilities on the route or on alternative routes to prevent it from exercising market power in offering services. It also states that capacity will not be sold indifferently to the user public, but will be assigned pursuant to individualized decisions and tailored arrangements based on the needs of the individual capacity purchaser. See Application at 4.

ACS has provided information and demonstrated that the proposed operation of the cable on a non-common carrier basis satisfies the requirements set forth in National Association of Regulatory Utility Commissioners v. FCC, 525 F.2d 630, 642 (D.C. Cir 1976) (NARUC I), cert. denied, 425 U.S. 992 (1976). See also Submarine Cable Landing License Report and Order, 16 FCC Rcd at 22202-22203, 69-70; Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Notice of Proposed Rulemaking 15 FCC Rcd 20789, 20815-20818, 62-67.

Conditions and Requirements: ACS shall comply with the routine conditions set out in section 1.767(g)(1)-(14) of the Commission's rules. See 47 C.F.R. § 1.767(g)(1)-(14).