



# PUBLIC NOTICE

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## 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.

These applications have been coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules, 47 C.F.R. § 1.767(b), and consistent with procedures established with the Department of State. 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, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Streamlined Procedures for Executive Branch Review of Submarine Cable Landing License Requests, State Department Media Note (Revised) (rel. Dec. 20, 2001) available at <http://2001-2009.state.gov/r/pa/prs/ps/2001/6951.htm>.

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](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](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-332A1.pdf) for the December 14, 2001 Report and Order.

SCL-AMD-20091202-00036 P

CARIBBEAN CROSSINGS LTD

Amendment

Grant of Authority

Date of Action: 12/22/2009

Amendment filed to SCL-T/C-20090506-00009, an application for consent to the transfer of control of the cable landing license for the Bahamas Internet Cable System, SCL-LIC-20000118-00001, SCL-AMD-20000405-00011, SCL-MOD-20020925-00094, held by Caribbean Crossings Ltd., (CCL) from Columbus Communications Ltd. (Columbus) to Cable Bahamas Ltd. (CBL).

Transfer of Control

Grant of Authority

Date of Action: 12/22/2009

**Current Licensee:** CARIBBEAN CROSSINGS LTD**FROM:** COLUMBUS COMMUNICATIONS LTD**TO:** CABLE BAHAMAS LTD.

Application for consent to the transfer of control of the cable landing license for the Bahamas Internet Cable System, SCL-LIC-20000118-00001, SCL-AMD-20000405-00011, SCL-MOD-20020925-00094, held by Caribbean Crossings Ltd., (CCL), from Columbus Communications Ltd. (Columbus) to Cable Bahamas Ltd. (CBL). See DA 09-1856, rel. August 25, 2009. (The application was amended on December 2, 2009, SCL-AMD-20091202-00036.) CCL is a wholly-owned subsidiary of CBL. Columbus is the controlling shareholder of CBL through a 30.2% equity interest in CBL and voting authority to elect three (3) of the five (5) directors of CBL.

Pursuant to the terms of a Share Purchase Agreement executed between CBL, Columbus and its indirect parent Columbus Communications Inc., Columbus will sell and CBL will purchase 100 percent of the shares in CBL currently owned by Columbus. As a result of the proposed transaction, the other existing owners will increase their ownership of CBL.

CBL has entered into a Trust Declaration pursuant to which 5,000,000 shares of CBL common stock currently held by Columbus will be held by a newly created trust independent of both CBL and the Government of the Bahamas (the "Trust"). Consequently, the Trust will have a 26.74% equity and voting interest in CBL. The trustee is Dr. Keva Bethel, a citizen of the Commonwealth of the Bahamas. The Government of the Bahamas will have a combined 21.39% equity and voting interest in CBL. (The National Insurance Board (NIB), an instrumentality of the Government of the Bahamas, will hold a 16.23% interest and the Treasurer of the Government of the Bahamas will have a 5.16% interest.) No other individuals or entities will have a 10 percent or greater direct or indirect equity or voting interest in CBL.

The Trust will terminate 14 days after the occurrence of the first of the following to occur: (a) the sale by Bahamas Telecommunications Corporation of more than 50% of its capital shares to a third party other than the Government of The Bahamas or an instrumentality thereof; (b) the admission of the Commonwealth of The Bahamas to the World Trade Organization; (c) the dilution of the interest in CBL held by the Government of The Bahamas to a level that, if the Trust Shares were transferred to CBL, the combined equity and voting interest of the Government of The Bahamas in CBL would be 25% or less; or (d) the dissolution or liquidation of CBL. At that time the shares of CBL held by the Trust will be distributed to the other existing owners of CBL and the Government of the Bahamas will have a 29.2% ownership interest in CBL. (NIB will hold a 21.9% interest and the Treasurer will have a 7.3% interest.) No other individuals or entities will have a 10 percent or greater direct or indirect equity or voting interest in CBL.

We grant the Petition to Adopt Conditions to Authorization and Licenses (Petition) filed in this proceeding on October 7, 2009, by the Department of Homeland Security, the Department of Justice and the Department of Defense. Accordingly, we condition grant of this application on Caribbean Crossings Ltd. abiding by the commitments and undertakings contained in its October 2, 2009 letter to the Assistant Secretary for Policy, U.S. Department of Homeland Security, the Assistant Attorney General for National Security, U.S. Department of Justice, the Assistant Secretary of Defense for Networks NII (Acting), Department of Defense, and the General Counsel, Defense Information Systems Agency (October 2 2009 Letter). A copy of the Petition and the October 2 2009 Letter are publicly available and may be viewed on the FCC web-site through the International Bureau Filing System (IBFS) by searching for SCL-T/C-20090506-00009 and accessing "Other filings related to this application" from the Document Viewing area.

Grant of this application is conditioned upon Applicant notifying the Commission in writing of the termination of the Trust, the basis for the termination of the Trust, and the final equity and voting interests in Cable Bahamas Ltd. within thirty (30) days of the termination of the Trust.