



PUBLIC NOTICE

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DA No. 11-1909

Report No. SCL-00125

Thursday November 17, 2011

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 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.

SCL-MOD-20110928-00028

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TRICOM USA, INC.

Modification

Grant of Authority

Date of Action: 11/16/2011

Application for consent to modify the cable landing licenses for the Americas II cable, SCL-LIC-19980429-00019 (Old File No. SCL-98-003), the MAYA-1 cable, SCL-LIC-19990325-00006, and the Pan American cable, SCL-LIC-19970421-00002 (Old File No. SCL-97-001), to remove Tricom USA, Inc. as a licensee pursuant to section 1.767(m)(2) of the Commission's rules, 47 C.F.R. § 1.767(m)(2). Tricom USA states that it does not own a cable landing station on any of the three cables and that its interests in each of the cables is below the 5% threshold for the requirement to be a licensee under the Commission's rules. See 47 C.F.R. § 1.767(h). It states that it owns 0.10% of MAYA-I; 0.17% of Pan American and 1.43% West, 0.28% North and 0.01% South of Americas II.

SCL-T/C-20100719-00014 E TRICOM USA, INC.

Transfer of Control

Grant of Authority

Date of Action: 11/16/2011

Current Licensee: TRICOM USA, INC.

FROM: TRICOM USA, INC.

TO: AMZAK Capital Management, LLC

Application for consent to transfer control of the interest in the Americas II cable system, SCL-LIC-19980101-00036 (Old File Number SCL-98-003), the MAYA-1 cable system, SCL-LIC-19990325-00006, and the Pan American cable system, SCL-LIC-19970421-00002 (Old File No. SCL-97-001), held by Tricom USA, Inc. (Tricom USA), to AMZAK Capital Management, LLC (AMZAK). Tricom USA holds 0.10% of MAYA-I; 0.17% of Pan American and 1.43% West, 0.28% North and 0.01% South of Americas II.

The Commission previously granted consent for the transfer of control of Tricom USA to Hispanola Telecom Holdings, Ltd. (Hispanola) pursuant to a plan of reorganization under Chapter 11 of the U.S. Bankruptcy Code by the United States Bankruptcy Court for the Southern District of New York. See SCL-ASG-20091223-00040, DA 10-232, 25 FCC Rcd 1461, 1462 (IB 2010). However, the final ownership at the completion of the reorganization differed substantially from the ownership approved in the prior application. Due to its acquisition of additional claims against Tricom, S.A., the direct parent of Tricom USA, at the completion of the bankruptcy reorganization AMZAK held a 57.2% ownership interest in Hispanola, which has a 97% ownership interest in Tricom, S.A., and thus AMZAK acquired control of Tricom USA.

Tricom USA is wholly-owned by Tricom, S.A., a Dominican Republic entity. Hispanola, a Commonwealth of the Bahamas entity, has a 97% ownership interest in Tricom, S.A. At the completion of the bankruptcy reorganization the following entities had a 10 percent or greater interest in Hispanola: AMZAK (57.2%); Ellis Portafolio, S.A., a British Virgin Islands entity (12.5%); and MAP Private Trust Company, a Cayman Islands entity, for the benefit of Manuel Arturo Pellerano Pena and certain family members, all citizens of the Dominican Republic (19.0% indirect through various companies including Ellis Portafolio, S.A.). The Kazma family - Gerald Kazma, Michael Kazma, and Leigh Kazma, all Canadian citizens - hold 100 percent of the ownership interests in AMZAK. No other individuals or entities are held a ten percent or greater equity or voting ownership interest in Hispanola Telecom Holdings, and consequently in New Tricom USA, at the completion of the bankruptcy reorganization.

SCL-T/C-20100719-00015 E TRICOM USA, INC.

Transfer of Control

Grant of Authority

Date of Action: 11/16/2011

Current Licensee: Tricom USA, Inc.

FROM: AMZAK Capital Management, Inc.

TO: Broadband Investments Limited

Application for consent to the pro forma transfer of control of the interest in the Americas II cable, SCL-LIC-19980429-00019 (Old File Number SCL-98-003), the Maya-1 cable, SCL-LIC-19990325-00006, and the Pan American cable, SCL-LIC-19970421-00002 (Old File No. SCL-97-001), held by Tricom USA Inc., from AMZAK Capital Management, LLC (AMZAK) to Broadband Investments Limited (Broadband), a limited liability company organized in Barbados. Tricom USA, Inc. holds 0.10% of MAYA-I; 0.17% of Pan American and 1.43% West, 0.28% North and 0.01% South of Americas II.

Tricom USA is wholly owned by Tricom, S.A., a Dominican Republic entity. Hispanola Telecom Holdings, Ltd. (Hispanola), a Commonwealth of the Bahamas entity, has a 97% ownership interest in Tricom, S.A. Prior to the transaction, AMZAK held a 57.2% interest in Hispanola. Ellis Portafolia, S.A. (Ellis) held a 12.5% interest in Hispanola and MAP Private Trust Company (MAP) held a 19.0% interest in Hispanola.

On or about April 7, 2010, without prior Commission consent, AMZAK transferred its interest in Hispanola to Broadband, a wholly-owned subsidiary of AMZAK. On April 15, 2010, Ellis and MAP transferred their ownership interests in Hispanola to Broadband. On or about June 7, 2010, Broadband transferred a portion of its ownership interest in Hispanola to PTY Capital Partners Ltd. (PTY), a British Virgin Islands company. As a result, Broadband now holds a 55.9% interest in Hispanola, and consequently control of Tricom USA. PTY has a 20.5% interest in Hispanola.

CORRECTIONS

SCL-T/C-20090715-00022

PC Landing Corp.

The amendment to the condition placed on the grant of SCL-T/C-20090715-0022, DA 11-1640, 26 FCC Rcd 13488 (IB 2011), is revised to remove the references to Pacific Crossing Limited, which was liquidated in 2010, see SCL-T/C-20100218-00005, 25 FCC Rcd 4596 (IB 2010), and is not a party to the August 29, 2011 Letter of Clarification. Consequently, the amendment to the condition shall read as follows:

CORRECTIONS

On October 6, 2009, the Commission granted SCL-T/C-20090715-00002 on the condition that Pacific Crossing Limited and PC Landing Corp. abide by the commitments and undertakings contained in their September 11, 2009 Letter of Assurance to the Department of Homeland Security, Department of Justice, Department of Defense and the Defense Information Systems Agency. See DA 09-2174, 24 FCC Rcd 12423 (IB 2009). On September 8, 2011, the Department of Justice filed a Petition to Adopt Authorizations and Licenses (Petition) requesting that the condition on the grant of the application be amended to include PC Landing Corp. abiding by the commitments and undertakings contained in its August 29, 2011 letter of clarification and additional undertakings (August 29 2011 Letter of Clarification) in connection with the September 11, 2009 Letter of Assurance. On September 21, 2011, PC Landing Corp. filed a letter requesting that the Commission amend the condition on the grant of SCL-T/C-20090715-00002 to reflect the clarification and undertakings contained in the August 29, 2011 Letter of Clarification and agreeing to abide by the commitments and undertakings set out in that letter.

Accordingly, we grant the Petition and amend the grant of SCL-T/C-20090715-00002 to condition it on PC Landing Corp. abiding by the commitments and undertakings contained in its September 11, 2009 Letter of Assurances and the August 29, 2011 Letter. A copy of the September 11, 2009 Letter of Assurance, the August 29, 2011 Letter of Claification, the September 8, 2011 Petition, and the September 21, 2011 letter from PC Landing Corp. are publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for SCL-LIC-20090715-00022 and accessing "Other filings related to this application" from the Document Viewing area.