



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 12th STREET S.W.  
WASHINGTON D.C. 20554

---

News media information 202-418-0500  
Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)  
TTY (202) 418-2555

DA No. 15-96

Report No. SCL-00159

Friday January 23, 2015

## 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.

Transfer of Control

Grant of Authority

Date of Action: 01/12/2015

**Current Licensee:** Hibernia Atlantic U.S. LLC**FROM:** Columbia Ventures Corporation**TO:** Murosa Development S.A R.L.

Application filed for consent to the transfer of control of the cable landing license for the Hibernia Atlantic Cable System (Hibernia Cable System), SCL-LIC-19990804-00012, SCL-MOD-20020412-00022, held by Hibernia Atlantic U.S. LLC (HB Atlantic), from Columbia Ventures Corporation (CVC) to Murosa Development S.A.R.L. (Murosa). The Hibernia Cable System is a non-common carrier fiber-optic cable system linking the continental United States, Canada, the United Kingdom and Ireland.

HB Atlantic, a Washington state corporation, is a direct, wholly-owned subsidiary of Hibernia NGS Limited (Hibernia NGS), an Irish company. Pursuant to the terms of an Investment Agreement and a Shareholder Agreement, dated July 17, 2014, Murosa, a Luxembourg company, proposes to acquire a direct controlling interest in Hibernia NGS, and thus HB Atlantic, through a three stage transaction. Murosa is a wholly-owned subsidiary of KCK-FHN, Ltd. (KCK-FHN), a Cayman Islands company, which in turn is a wholly-owned subsidiary of KCK, Limited (KCK), a British Virgin Islands company.

In Stage One, on July 17, 2014, Murosa acquired a 27.9% interest in Hibernia NGS. CVC, a Washington state corporation, has a 60.1% controlling interest in Hibernia NGS, and CVC III Hibernia Blocker, Inc. (CV Hibernia), a Delaware investment company, has a 12% interest.

In Stage Two, CVC Hibernia's direct ownership interest in Hibernia NGS will be transferred to Murosa and CVC Hibernia will take an ownership interest in Murosa. Depending on how the debt is financed, CV Hibernia will hold either a 24.5% or 29.1% interest in Murosa, and KCK-FHN will hold the remaining interest of either 75.5% or 70.1% in Murosa. Murosa will hold no more than a 40% interest in Hibernia NGS and CVC will continue to control Hibernia NGS.

In Stage Three, Murosa will increase its ownership in Hibernia NGS to a controlling interest. Specifically, at the end of Stage Three Murosa will hold a 51% interest in Hibernia NGS and CVC will have a 49% non-controlling interest in Hibernia NGS.

At the end of Stage Three, the following individuals and entities will have a ten percent or greater direct or indirect interest in Hibernia NGS and HB Atlantic. CVC will have a 49% interest in Hibernia NGS. CVC is 100% owned by Mr. Kenneth Peterson, a U.S. citizen. Murosa will hold a 51% interest in Hibernia NGS. CV Hibernia will hold either a 24.5% or 29.1% interest in Murosa. Constellation Venture Capital III, L.P. has a 67% interest in CVC Hibernia. KCK-FHN will hold the remaining interest of either 75.5% or 70.1% in Murosa. KCK-FHN is wholly-owned by KCK. KCK is owned by five members of the Clin/Karim Kassar family. Specifically, Jean Francois Clin, a French citizen, has a 42.5% interest in KCK; Radwan Karim Kassar, a Lebanese and French citizen, has a 21.25% interest; Annabel Karim Kassar, a Lebanese and French citizen, has a 21.25% interest; Nael Karim Kassar, a Lebanese and French citizen, has a 10% interest; and, Kamal Karim Kassar, a Lebanese and French citizen, has a 5% interest in KCK.

We grant the Petition to Adopt Conditions to Authorizations and Licenses filed in this proceeding on December 23, 2014, by the Department of Homeland Security (DHS), on behalf of the Department of Justice (DOJ) and the Department of Defense (DOD). Accordingly, we condition grant of this Application on Hibernia NGS Limited and KCK Limited abiding by (1) the commitments and undertakings set forth in the December 15, 2104 letter from Bjarni K. Thovardarson, Director and Chief Executive Officer, Hibernia NGS Limited and Nael Karim Kassar, Director, KCK Limited, to the Assistant Secretary, Office of Policy, DHS, the Acting Department of Defense Chief Information Officer, DOD, and the Assistant Attorney General, National Security Division, DOJ (2014 Letter); and, (2) the commitments and undertakings set forth in the September 30, 2010 letter from Bjarni K. Thovardarson, Chief Executive Officer and Director, Hibernia Group EHF, to the Assistant Secretary, Office of Policy, DHS, the Assistant Secretary of Defense for Networks NII (Acting), DOD, the General Counsel, Defense Information Systems Agency, and the Assistant Attorney General, National Security Division, DOJ (2010 Letter). A failure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of the underlying submarine cable landing license and thus grounds for declaring the authorization terminated without further action on the part of the Commission. Failure to meet a condition of the authorization may also result in monetary sanctions or other enforcement action by the Commission. The Petition, the 2014 Letter and the 2010 Letter may be viewed on the FCC's website through the International Bureau Filing System (IBFS) by searching for SCL-T/C-2014082000007 and accessing the "Other Filings related to this application" from the Document Viewing Area.

Applicants agree to abide by the routine conditions specified in section 1.767(g) of the Commission's rules, 47 C.F.R. § 1.767(g).

---

SCL-T/C-20150115-00001 E tw telecom of hawaii l.p.

Transfer of Control

Grant of Authority

Date of Action: 01/22/2015

**Current Licensee:** tw telecom of hawaii l.p.

**FROM:** Level 3 Communications, Inc.

**TO:** Level 3 Financing, Inc.

Notification filed January 15, 2015, of the pro forma transfer of control of the cable landing license for the Hawaiian Islands Fiber Network (HIFN) Cable System, SCL-LIC-19950627-00024, SCL-MOD-20001025-00036 and SCL-MOD-20131114-00012, held by tw telecom of Hawaii l.p. (TWT Hawaii), from Level 3 Communications, Inc. (Level 3 Parent) to Level 3 Financing, Inc. (Level 3 Financing). HIFN is a domestic, non-common carrier cable system connecting six of the Hawaiian Islands. TWT Hawaii owns HIFN jointly with Wavecom Solutions Corporation (Wavecom), a subsidiary of Hawaiian Telcom Inc. This transaction does not affect the Wavecom ownership in HIFN.

Prior to the pro forma transfer of control, TWT Hawaii was an indirect wholly-owned subsidiary of tw telecom holdings, inc, a direct wholly-owned subsidiary of tw telecom, llc, which it turn is a direct wholly-owned subsidiary of Level 3 Parent. In an internal reorganization, Level 3 Parent contributed the membership units of tw telecom, llc to Level 3 Financing, a direct wholly-owned subsidiary of Level 3 Parent. Thus Level 3 Financing became an intermediate holding company between Level 3 Parent and TWT Hawaii. In addition, on December 31, 2014, tw telecom holdings, inc was converted from a corporation to a limited liability company.

The cable landing license held by TWT Hawaii is conditioned upon compliance with the provisions of the Agreement between Level 3 Parent and the Department of Justice, the Department of Defense, and the Department of Homeland Security, dated September 26, 2011. See 29 FCC Rcd 12842, 12853, para. 30 (WCB/IB 2014).

---