



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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**Report No. SCL-00201**

**DA No. 17-630**  
**Thursday June 29, 2017**

## **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, Telecommunications and Analysis 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.

Transfer of Control

Grant of Authority

Date of Action: 06/22/2017

**Current Licensee:** TeleGuam Holdings, LLC

**FROM:** AP TeleGuam Holdings, Inc.

**TO:** Forager Holdings Corp.

Application filed for consent to the transfer of control of TeleGuam Holdings, LLC (TeleGuam), from its 100 percent direct parent, AP TeleGuam Holdings, Inc. (AP TG), to Forager Holdings Corp. (Forager). TeleGuam is a licensee on the Southeast Asia-US (SEA-US) cable system, SCL-LIC-20150626-00016, which connects the continental United States, Indonesia, the Philippines, Guam, and Hawaii. TeleGuam has a 2.65 percent ownership in the cable and operates the landing station in Piti, Guam.

Pursuant to the terms of an Agreement and Plan of Merger dated January 31, 2017, Forager will acquire all of the ownership interests in AP TG, thereby acquiring indirect ownership of TeleGuam. Specifically, Forager Acquisition Corp., a wholly-owned subsidiary of Forager, will merge with and into AP TG, with AP TG being the surviving entity. As a result, AP TG (which will be renamed TeleGuam Holdings, Inc. upon the consummation of the merger) will become a direct wholly-owned subsidiary of Forager, and TeleGuam will become an indirect wholly-owned subsidiary of Forager.

Forager, a Delaware corporation, is owned by two stockholders: B88 Financial Group LLC (B88) and Mariana Holdings, LLC (Mariana Holdings). B88, a Delaware limited liability company, will hold 100 percent of the voting stock of Forager and is expected to hold less than 10 percent of the total equity. B88 is owned and controlled by Benjamin Wu, a U.S. citizen. Mariana Holdings, a Delaware limited liability company, is expected to hold a majority of the non-voting stock of Forager. Mariana Holdings is owned by Huntsman Family Investments, LLC (HFI), a Delaware limited liability company (20%) and The Huntsman Foundation, a Utah non-profit corporation (80%). HFI is owned and controlled by Jon M. Huntsman Sr. and Paul Huntsman, both U.S. citizens. The Huntsman Foundation is controlled by Jon M. Huntsman Sr. No other person or entity will hold a ten percent or greater direct or indirect equity or voting interest in Forager or TeleGuam.

We grant the Petition to Adopt Conditions to Authorizations and Licenses (Petition) filed in this proceeding on June 22, 2017 by the Department of Homeland Security (DHS). Accordingly, we condition grant of this application on Forager Holdings Corp. acknowledging and complying with the commitments of TeleGuam Holdings, LLC d/b/a GTA set forth in the National Security Agreement dated January 11, 2017, among GTI Corporation d/b/a GTI Telecom, Hawaiian Telcom Services Company, Inc., RAM Telecom International, Inc., TeleGuam Holdings, LLC d/b/a GTA and DHS with respect to the Southeast Asia-US cable system, SCL-LIC-20150626-00016, (2017 NSA) as set out in the letter from Paul Hunstman, President and CEO, Forager Holdings Corp, to the Assistant Secretary for Border, Immigration and Trade, Office of Policy, DHS, dated June 12, 2017 (Forager Commitment 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 cable landing license and thus grounds for declaring the license terminated without further action on the part of the Commission. Failure to meet a condition of the license may also result in monetary sanctions or other enforcement action by the Commission. A copy of the Petition, the 2017 NSA and the Forager Commitment Letter are publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for SCL-T/C-20170210-00003 and accessing "Other filings related to this application" from the Document Viewing area.

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