



PUBLIC NOTICE

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Report No. SCL-00195

Thursday January 19, 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.

SCL-ASG-20161222-00027 E Hawaiian Telcom, Inc.

Assignment

Grant of Authority

Date of Action: 01/18/2017

Current Licensee: Wavecom Solutions Corporation

FROM: Wavecom Solutions Corporation

TO: Hawaiian Telcom, Inc.

Notification filed December 22, 2016, of the pro forma assignment of the interest in the Hawaii Island Fiber Network (HIFN), SCL-LIC-19950627-00024, SCL-MOD-20001015-00036, SCL-MOD-20131114-00012, held by Wavecom Solutions Corporation (Wavecom) to Hawaiian Telcom, Inc. (HTI), effective, December 1, 2016. Wavecom is a wholly-owned subsidiary of HTI, and both Wavecom and HTI are wholly-owned subsidiaries of Hawaiian Telcom Communications, Inc.

Assignment

Grant of Authority

Date of Action: 01/18/2017

Current Licensee: Global Crossing Americas Solutions, Inc.

FROM: Global Crossing Americas Solutions, Inc.

TO: Global Crossing Americas Solutions, LLC

Notification, filed January 13, 2017, of the pro forma assignment of the interest in the Americas II cable system, SCL-LIC-19980430-00006, held by Global Crossing Americas Solutions, Inc. (GCAS, Inc.) to Global Crossing Americas Solutions, LLC (GCAS, LLC), effective December 31, 2016. As part of a corporation reorganization, GCAS, Inc. a Delaware corporation, was converted to GCAS, LLC, a Delaware limited liability company. In addition, GCAS, LLC's direct parent, Impsat Fiber Networks, Inc., a Delaware corporation, was converted to Impsat Fiber Networks, LLC (Impsat, LLC), a Delaware corporation, and Impsat, LLC transferred 100 % of its interest in GCAS, LLC to Level 3 Communications, LLC (Level 3, LLC). GCAS, LLC, Impsat, LLC and Level 3, LLC are all indirect subsidiaries of Level 3 Inc.

Transfer of Control

Grant of Authority

Date of Action: 01/05/2017

Current Licensee: Hibernia Atlantic U.S. LLC

FROM: Murosa Development S.A R.L.

TO: GTT Communications, Inc.

Application filed by 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 Murosa S.a.r.l. (Murosa) to GTT Communications, Inc. (GTT). 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, which, in turn, is 51% majority-owned by Murosa, a Luxembourg company that is a wholly-owned subsidiary of KCK Limited (KCK), a British Virgin Islands company. Columbia Ventures Corporation (CVC), a Washington state company, holds the remaining 49% ownership interest in Murosa. Pursuant to the terms of a Share Purchase Agreement (Agreement), dated November 8, 2016, all of the issued and outstanding equity interests in Hibernia NGS will be sold by Murosa and CVC to GTT, a Delaware corporation. Upon consummation of the transaction, Hibernia NGS will become a direct, wholly-owned subsidiary of GTT and HB Atlantic and the other subsidiaries of Hibernia NGS will become indirect wholly-owned subsidiaries of GTT.

The sole GTT shareholder with greater than a 10% equity and voting interest is Universal Telecommunications, Inc. (UTI), a Delaware corporation. UTI owns 18.2% of the equity interests in GTT and is 100% owned, controlled, and managed by Brian Thompson, a U.S. citizen. No other individual or entity will have a ten percent or greater equity or voting interest in UTI or GTT.

Applicants state that HB Atlantic, and its parent company, Hibernia NGS are parties to a September 30, 2010 Letter of Assurance, as amended by a December 15, 2014 Letter of Assurance (2014 LOA). See November 25, 2016 Supplement at 1. The 2014 LOA sets out commitments and undertakings of KCK, Hibernia NGS, and HB Atlantic to the Department of Homeland Security, the Department of Justice, and the Department of Defense, and is a condition on the cable landing license. Following closing of the transaction, Applicants state that HB Atlantic and HB NGS will remain subject to the 2014 LOA. A copy of the 2014 LOA is publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for SCL-T/C-20140820-00007 and accessing "Other filings related to this application" from the Document Viewing area.

We grant the Petition to Adopt Conditions to Authorizations and Licenses filed in this proceeding on January 5, 2017, by the Department of Homeland Security (DHS), on behalf of the U.S. Department of Justice (DOJ) and the Department of Defense (DOD). Accordingly, we condition grant of this cable landing license transfer of control application on compliance by GTT Communications, Inc. with the commitments and undertakings set forth in the January 4, 2017 letter from Anthony Hansel, VP, Deputy General Counsel, GTT Communications, Inc. to the Assistant Attorney General for National Security, DOJ, the Department of Defense Chief Information Officer, DOD, and the Assistant Secretary for Policy, DHS (2017 Letter), in which GTT agrees to become a party to, and assume the commitments contained in a Letter of Assurance dated September 30, 2010 from Hibernia Group ehf (2010 LOA) and a Letter of Assurance dated December 15, 2014 from KCK Limited, Hibernia NGS Limited, and Hibernia Atlantic U.S. LLC (2014 LOA) which amended the 2010 LOA. 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 authorization may also result in monetary sanctions or other enforcement action by the Commission. The Petition, 2017 Letter, 2010 LOA and 2014 LOA may be viewed on the FCC's website through the International Bureau Filing System (IBFS) by searching for SCL-T/C-20161111-00021 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).

This authorization is without prejudice to the Commission's action in any other related pending proceedings.
