



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA No. 19-552

Report No. TEL-01964

Thursday June 13, 2019

International Authorizations Granted

Section 214 Applications (47 C.F.R. §§ 63.18, 63.24); Section 310(b) Petitions (47 C.F.R. § 1.5000)

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b).

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see 47 CFR § 1.4(b)(2)).

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

Petition for Declaratory Ruling
Grant of Authority

Date of Action: 06/05/2019

MIP IV MidWest Fiber, LLC (MIP IV MW or Petitioner), together with its affiliates, has filed a petition for declaratory ruling (Petition) pursuant to section 310(b)(4) of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 310(b)(4), and section 1.5000(a)(1) of the Commission's rules, 47 CFR § 1.5000(a)(1), that the public interest would be served by permitting 100% foreign ownership of MIP IV MW, the proposed controlling U.S. parent of PEG Bandwidth IL, LLC (PEG IL). Petitioner filed its request in connection with an application to transfer control of PEG IL, which holds common carrier microwave licenses, from Uniti Fiber LLC to MIP IV MW. See ULS File No. 0008529594; WC Docket No. 19-49.

According to the Petitioner, MIP IV MW is a Delaware limited liability company established as an acquisition vehicle for purposes of the proposed transfer of control. MIP IV MW is indirectly controlled through a number of holding companies by Macquarie Group Limited (MGL), a publicly traded company incorporated in Australia. MGL is a global provider of banking, financial, advisory, investment and funds management services.

The Petitioner states that MIP IV MW will be a direct, wholly-owned subsidiary of MIP IV MidWest Fiber Parent, LLC (MIP IV Fiber Parent), a holding company to be formed in Delaware. MIP IV Fiber Parent will be wholly owned by MIP IV (FCC) AIV, L.P. (MIP IV (FCC) AIV), an investment management company formed in Delaware. Its general partner, MIP IV (ECI) GP, LLC (MIP IV (ECI) GP), a Delaware-organized investment management company, is ultimately controlled by MGL and would hold a 0.2% equity interest in MIP IV (FCC) AIV. Through a management agreement, MIP IV (ECI) GP delegates certain duties to a Delaware-organized affiliate, Macquarie Infrastructure Partners Inc. (MIP Inc.), which is the manager and attorney-in-fact of the private equity vehicles that will invest in MIP IV (FCC) AIV. MIP Inc. is a direct, wholly-owned subsidiary of Macquarie Infrastructure and Real Assets Inc. (MIRA), both of which are Delaware-organized investment advisors.

MIRA is a direct, wholly-owned subsidiary of Macquarie Holdings (U.S.A.), Inc., a Delaware-organized holding company that is, in turn, ultimately wholly owned and controlled by MGL through a series of wholly-owned intervening holding companies organized in Australia.

According to the Petitioner, two Macquarie-controlled U.S. limited liability companies (Feeder LLCs) will be formed prior to closing through which certain classes of investors will hold economic interests in MIP IV (FCC) AIV. These interests may be held directly in the Feeder LLCs or indirectly through personal investment vehicles. According to the Petition, the Macquarie-controlled Feeder LLCs are expected to hold approximately 24% and approximately 42% of MIP IV (FCC) AIV's limited partnership interests, subject to ultimate fundraising, respectively. Petitioner asserts that the limited liability company interests in the Feeder LLCs will be insulated in accordance with section 1.5003 of the Commission's rules.

The Petition states that other Macquarie-controlled entities (organized in the United States, Canada, or the Cayman Islands) also may hold limited partnership interests in MIP IV (FCC) AIV. These other Macquarie-controlled entities are expected to hold, as of closing, approximately 25% of the equity of MIP IV (FCC) AIV but, Petitioner states, that amount could increase over time. It is anticipated that any non-U.S. Macquarie entities would hold, in the aggregate, less than 20% of MIP IV (FCC) AIV's limited partnership interests. The Petitioner asserts that, to the extent these Macquarie entities are investment fund limited partnerships or limited liability companies, they will be insulated in accordance with section 1.5003 of the Commission's rules.

The Petition asks that the Commission approve 100% aggregate foreign ownership (equity and voting interests) of MIP IV MW, including a 100% voting interest and, pursuant to section 1.5001(k) of the rules, a 100% equity interest that may be acquired by Macquarie-controlled entities at some future time. In addition, MIP IV MW specifically seeks approval for investments made through funds that it controls that may be formed in Canada or the Cayman Islands in the event certain Macquarie-controlled funds participate in the proposed investment. The Petitioner states that, with the exception of Macquarie-controlled entities, no foreign individual or entity would hold a 10 percent or greater equity or voting interest in MIP IV MW at closing and all such individuals and entities will hold insulated interests. For that reason, Petitioner states, it does not seek specific approval under section 1.5001(i) of the rules for particular foreign individuals or entities other than the Macquarie-controlled Australian entities identified in the Petition.

Pursuant to the rules and policies established by the Commission's Foreign Ownership Second Report and Order in IB Docket No. 11-133, FCC 13-50, 28 FCC Rcd 5741 (2013), as amended in GN Docket No. 15-236, FCC 16-128, 31 FCC Rcd 11272 (2016), we find that the public interest would not be served by prohibiting foreign ownership of PEG IL in excess of the 25 percent benchmark in section 310(b)(4) of the Act. This ruling authorizes aggregate foreign ownership of PEG IL's controlling U.S.-organized parent, MIP IV MW, to exceed, directly and/or indirectly, 25 percent of MIP IV MW's equity and/or voting interests, subject to the terms and conditions set forth in section 1.5004 of the Commission's rules, 47 CFR § 1.5004, including the requirement to obtain Commission approval before foreign ownership of PEG IL exceeds the terms and conditions of this ruling.

Specifically, pursuant to section 1.5001(i) of the rules, we grant the Petitioner's request to permit the following foreign individuals and foreign-organized entities to hold, directly and/or indirectly, foreign equity and/or voting interests in MIP IV MW as follows:

- Macquarie Group Limited (less-than-5% equity and 100% voting interests);
- Macquarie Financial Holdings Pty Limited (less-than-5% equity and 100% voting interests);
- Macquarie Corporate Holdings Pty Limited (less-than-5% equity and 100% voting interests);
- Macquarie Corporate International Holdings Pty Limited (less-than-5% equity and 100% voting interests);
- Macquarie Group (US) Holdings No. 1 Pty Limited (less-than-5% equity and 100% voting interests);
- Macquarie Equities (US) Holding Pty Limited (less-than-5% equity and 100% voting interests);

ITC-T/C-20190425-00105 E

Fidelity Networks, Inc.

Transfer of Control

Grant of Authority

Date of Action: 06/07/2019

Current Licensee: Fidelity Networks, Inc.

FROM: Fidelity Communications Co.

TO: Cable One, Inc.

Application filed for consent to the transfer of control of Fidelity Networks, Inc. (FNI), which holds international section 214 authorization ITC-214-20000410-00217, from Fidelity Communications Co. (Fidelity) to Cable One, Inc. (Cable One). Pursuant to a March 31, 2019 stock purchase agreement, Cable One will acquire all of the issued and outstanding shares in the capital stock of or membership interests in the subsidiaries of Fidelity, including FNI. Upon closing, Cable One will hold 100% ownership interest and control of the Fidelity subsidiaries and other assets. Immediately prior to closing, the Fidelity subsidiaries, including FNI, will convert from a Missouri corporation to a Missouri limited liability companies.

Cable One, Inc. (Cable One), a publicly traded Delaware corporation. According to the Applicants, as of March 25, 2019, the following entity and individuals hold a ten percent or greater share of Cable One's outstanding common stock: (1) T. Rowe Price Associates, Inc., a Maryland corporation that is a subsidiary of T. Rowe Price Group, Inc., a publicly traded Maryland corporation in which no entity or individual holds a ten percent or greater ownership interest (15.8%); (2) Daniel L. Mosley, a U.S. citizen and Trustee of various trusts (11.8%); and (3) Donald E. Graham, a U.S. citizen and Trustee of various trusts (11.1%). Applicants state that no other entity or individual will own a ten percent or greater direct or indirect equity or voting interest in Cable One or FNI after consummation.

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

ITC-T/C-20190425-00106 E

Fidelity Cablevision Inc

Transfer of Control

Grant of Authority

Date of Action: 06/07/2019

Current Licensee: Fidelity Cablevision Inc

FROM: Fidelity Communications Co.

TO: Cable One, Inc.

Application filed for consent to the transfer of control of Fidelity Cablevision, Inc. (FCV), which holds international section 214 authorization ITC-214-20080718-00325, from Fidelity Communications Co. (Fidelity) to Cable One, Inc. (Cable One). Pursuant to a March 31, 2019 stock purchase agreement, Cable One will acquire all of the issued and outstanding shares in the capital stock of or membership interests in the subsidiaries of Fidelity, including FCV. Upon closing, Cable One will hold 100% ownership interest and control of the Fidelity subsidiaries and other assets. Immediately prior to closing, the Fidelity subsidiaries, including FCV, will convert from a Missouri corporation to a Missouri limited liability companies.

Cable One, Inc. (Cable One), a publicly traded Delaware corporation. According to the Applicants, as of March 25, 2019, the following entity and individuals hold a ten percent or greater share of Cable One's outstanding common stock: (1) T. Rowe Price Associates, Inc., a Maryland corporation that is a subsidiary of T. Rowe Price Group, Inc., a publicly traded Maryland corporation in which no entity or individual holds a ten percent or greater ownership interest (15.8%); (2) Daniel L. Mosley, a U.S. citizen and Trustee of various trusts (11.8%); and (3) Donald E. Graham, a U.S. citizen and Trustee of various trusts (11.1%). Applicants state that no other entity or individual will own a ten percent or greater direct or indirect equity or voting interest in Cable One or FCV after consummation.

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

Transfer of Control

Grant of Authority

Date of Action: 06/07/2019

Current Licensee: Fidelity Long Distance, Inc

FROM: Fidelity Communications Co.

TO: Cable One, Inc.

Application filed for consent to the transfer of control of Fidelity Long Distance, Inc. (FLD), which holds international section 214 authorization ITC-214-19989826-00602, from Fidelity Communications Co. (Fidelity) to Cable One, Inc. (Cable One). Pursuant to a March 31, 2019 stock purchase agreement, Cable One will acquire all of the issued and outstanding shares in the capital stock of or membership interests in the subsidiaries of Fidelity, including FLD. Upon closing, Cable One will hold 100% ownership interest and control of the Fidelity subsidiaries and other assets. Immediately prior to closing, the Fidelity subsidiaries, including FLD, will convert from a Missouri corporation to a Missouri limited liability companies.

Cable One, Inc. (Cable One), a publicly traded Delaware corporation. According to the Applicants, as of March 25, 2019, the following entity and individuals hold a ten percent or greater share of Cable One's outstanding common stock: (1) T. Rowe Price Associates, Inc., a Maryland corporation that is a subsidiary of T. Rowe Price Group, Inc., a publicly traded Maryland corporation in which no entity or individual holds a ten percent or greater ownership interest (15.8%); (2) Daniel L. Mosley, a U.S. citizen and Trustee of various trusts (11.8%); and (3) Donald E. Graham, a U.S. citizen and Trustee of various trusts (11.1%). Applicants state that no other entity or individual will own a ten percent or greater direct or indirect equity or voting interest in Cable One or FLD after consummation.

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

SURRENDER

ITC-214-19970714-00397

MVS USA, Inc.

Applicant notified the Commission of the Surrender of its international section 214 authorization effective June 6, 2019.

ITC-214-19970714-00399

MVS USA, Inc.

Applicant notified the Commission of the Surrender of its international section 214 authorization effective June 6, 2019.

ITC-214-20021001-00473

American Network, Inc.

Applicant notified the Commission of the Surrender of its international section 214 authorization effective May 20, 2019.

ITC-214-20050310-00092

MVS USA, Inc.

Applicant notified the Commission of the Surrender of its international section 214 authorization effective June 6, 2019.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

- (1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is at the end of this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at <http://transition.fcc.gov/ib/pd/pf/exclusionlist.html>. It also will be attached to each Public Notice that grants international Section 214 authority.
- (2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.
- (3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.
- (4) A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 C.F. R. § 63.23(d).
- (5) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.
- (6) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.
- (7) International facilities-based service providers must file and maintain a list of U.S.-international routes on which they have direct termination arrangements with a foreign carrier. 47 CFR § 63.22(h). A new international facilities-based service provider or one without existing direct termination arrangements must file its list within thirty (30) days of entering into a direct termination arrangement(s) with a foreign carrier(s). Thereafter, international facilities-based service providers must update their lists within thirty (30) days after adding a termination arrangement for a new foreign destination or discontinuing an arrangement with a previously listed destination. See Process For The Filing Of Routes On Which International Service Providers Have Direct Termination Arrangements With A Foreign Carrier, ITC-MS-20181015-00182, Public Notice, 33 FCC Rcd 10008 (IB 2018).
- (8) Any U.S. Carrier that owned or leased bare capacity on a submarine cable between the United States and any foreign point must file a Circuit Capacity Report to provide information about the submarine cable capacity it holds. 47 CFR § 43.82(a)(2). See <https://www.fcc.gov/circuit-capacity-data-us-international-submarine-cables>.
- (9) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service.
- (10) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.
- (11) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.
- (12) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i)

is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

(13) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 C.F.R. §§ 1.20000 et seq.

(14) Every carrier must designate an agent for service in the District of Columbia. See 47 U.S.C. § 413, 47 C.F.R. §§ 1.47(h), 64.1195.

Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See 47 C.F.R. § 63.22(c).

Countries:

None.

Facilities:

Any non-U.S.-licensed space station that has not received Commission approval to operate in the U.S. market pursuant to the procedures adopted in the Commission's DISCO II Order, IB Docket No. 96-111, Report and Order, FCC 97-399, 12 FCC Rcd 24094, 24107-72 paragraphs 30-182 (1997) (DISCO II Order). Information regarding non-U.S.-licensed space stations approved to operate in the U.S. market pursuant to the Commission's DISCO II procedures is maintained at http://transition.fcc.gov/bureaus/ib/sd/se/market_access.html.

This list is subject to change by the Commission when the public interest requires. The most current version of the list is maintained at <http://transition.fcc.gov/ib/pd/pf/exclusionlist.html>.

For additional information, contact the International Bureau's Telecommunications and Analysis Division, (202) 418-1480.