



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON D.C. 20554

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DA No. 19-796

Report No. TEL-01976

Thursday August 22, 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: 08/16/2019

MIP IV Midwest Fiber, LLC (MIP IV MW or Petitioner) filed a petition for modification (Petition) of the foreign ownership ruling, issued under 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), in connection with the proposed transfer of control of PEG Bandwidth IL, LLC (PEG IL), from Uniti Fiber LLC to MIP IV MW. PEG IL holds common carrier microwave licenses. See International Authorizations Granted, TEL-01964, Public Notice, DA19-552 (IB rel. June 13, 2019) (PEG IL June 13, 2019 Ruling) (granting ISP-PDR-20190304-00002, as amended); ULS File No. 0008529594 (application for consent to transfer control of common carrier microwave licenses held by PEG IL). See also WC Docket No. 19-49, Public Notice, DA 19-530 (WCB rel. June 6, 2019) (granting domestic section 214 application to transfer control of PEG IL from Uniti Fiber LLC to MIP IV MW).

PEG IL's initial ruling authorized up to 100 percent aggregate foreign ownership (equity and voting interests) of its proposed, controlling U.S.-organized parent, MIP IV MW, including a 100 percent voting interest and, pursuant to section 1.5001(k)(1), a 100 percent equity interest by Macquarie Group Limited (MGL), a publicly traded company formed in Australia, and certain named, affiliated entities organized in Australia.

As described in the initial ruling, MIP IV MW has been formed as an acquisition vehicle for the proposed transfer of control of PEG IL to MIP IV MW. MIP IV MW is indirectly wholly owned by MIP IV (FCC) AIV, L.P. (MIP IV (FCC) AIV), a Delaware-organized investment management company, ultimately controlled by MGL. Certain classes of investors will hold an aggregate 67 percent of the economic interests in MIP IV (FCC) AIV through a U.S.-organized, Macquarie-controlled Feeder LLC to be formed prior to closing. As noted, the ruling also granted advance approval under section 1.5001(k)(1) for MGL and each of its named, foreign-organized affiliates to increase their individual equity interests at some future time, up to and including 100 percent of MIP IV MW's direct and/or indirect equity interests. The petition stated that, with the exception of the Macquarie-controlled Australian entities identified in the petition, 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 would hold insulated interests in accordance with section 1.5003 of the rules.

In granting the initial ruling, we declined to prospectively grant approval for unidentified Macquarie-controlled entities organized in the Cayman Islands and Canada that Petitioner stated may hold partnership interests in MIP IV (FCC) AIV at closing.

In its Petition to modify PEG IL's initial ruling, MIP IV MW now requests, under section 1.5001(i) of the rules, that we include in the ruling and specifically approve certain additional, named foreign-organized entities that will hold limited partnership or general partner interests in MIP IV (FCC) AIV, L.P. These interests, comprising approximately 67 percent of MIP IV MW's equity and/or voting interests, will be held through one Macquarie-controlled U.S. limited liability company, Feeder LLC. Petitioner states that all third-party (i.e., non-Macquarie-controlled) limited partnership interests that will be held in MIP IV (FCC) AIV through the Feeder LLC will be insulated in accordance with section 1.5003 of the rules.

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 modifies PEG IL's initial June 3, 2019 ruling specifically to approve, under section 1.5001(i) of the rules, additional, named foreign-organized entities to hold, directly and/or indirectly, equity and voting interests in MIP IV MW. With this modification the foreign-organized entities named below are approved to hold, directly and/or indirectly, equity and 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);
- MIGS AIV, L.P. (Canada) (6.85% equity and 100% voting interest held indirectly through limited partnership interest in MIP IV (FCC) AIV, L.P.);
- MIGS II AIV, L.P. (Canada) (1.85% equity and 100% voting interest, with request for advance approval to hold 5.8% equity interests, held indirectly through limited partnership interest in MIP IV (FCC) AIV, L.P.); and
- Macquarie Nufang (FCC) AIV, L.P. (Cayman Islands) (7.17% equity and 100% voting interest held indirectly through limited partnership interest in MIP IV (FCC) AIV, L.P.).
- Macquarie Corporate Holdings Pty Limited (UK Branch) (U.K.) (0% equity and 100% voting interests);
- Macquarie (UK) Group Services Limited (U.K.) (0% equity and 100% voting interests);
- Macquarie Infrastructure and Real Assets Investments Limited (U.K.) (0% equity and 100% voting interests);
- Macquarie MIRA Fund Investments Pty Limited (Australia) (0% equity and 100% voting interests); and

SURRENDER

ITC-214-19931020-00280

AT&T CORP

Applicant notified the Commission of the Surrender of its international section 214 authorization effective August 16, 2019.

ITC-214-19931020-00281

AT&T CORP

Applicant notified the Commission of the Surrender of its international section 214 authorization effective August 16, 2019.

ITC-214-19931020-00282

AT&T CORP

Applicant notified the Commission of the Surrender of its international section 214 authorization effective August 16, 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.