



PUBLIC NOTICE

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Monday July 20, 2020

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-AMD-20200710-00028	E	AT&T Corp.	
Amendment			
Grant of Authority			Date of Action: 07/17/2020

Amendment filed by AT&T Corp. to the application by AT&T Corp. on behalf of the Americas-1 Consortium for a new cable landing license to allow the continued operation of the Americas-1 Cable System for an additional 25-year term. See Streamlined Submarine Cable Landing License Applications Accepted for Filing, File No. SCL-LIC-20190326-00009, Public Notice, Report No. SCL-00241S (IB, rel. May 21, 2019). Americas-1 is a common carrier fiber-optic submarine cable system that links the U.S. mainland with the U.S. Virgin Islands. The Americas-1 Cable System was originally licensed in 1993 and commenced service on September 1, 1994. See American Telephone and Telegraph Company, et al., File No. SCL-93-002, Cable Landing License, 8 FCC Rcd 5041 (CCB 1993).

AT&T amended the application to provide new ownership shares of the cable due the withdrawal from the consortium of the following entities: Antelecom N.V.; Corporacion Nacional de Telecomunicaciones CNT E.P.; Primus Telecommunications, Inc.; Sri Lanka Telecom; and Sprint Communications Company L.P.

The cable landing license, as amended, is granted. See SCL-LIC-20190326-00009.

Amendment

Grant of Authority

Date of Action: 07/17/2020

Amendment filed by AT&T Corp. to the application by AT&T Corp. on behalf of the Americas-1 Consortium for a new cable landing license to allow the continued operation of the Americas-1 Cable System for an additional 25-year term. See Streamlined Submarine Cable Landing License Applications Accepted for Filing, File No. SCL-LIC-20190326-00009, Public Notice, Report No. SCL-00241S (IB, rel. May 21, 2019). Americas-1 is a common carrier fiber-optic submarine cable system that links the U.S. mainland with the U.S. Virgin Islands. The Americas-1 Cable System was originally licensed in 1993 and commenced service on September 1, 1994. See American Telephone and Telegraph Company, et al., File No. SCL-93-002, Cable Landing License, 8 FCC Rcd 5041 (CCB 1993).

AT&T amended the application to remove Sprint Communications Company L.P. (Sprint) as an applicant. Sprint sold all of its interests in Americas-1 to Atlantic Telecommunication Operating Company Limited (ATOC). See Actions Taken Under Cable Landing License Act, SCL-ASG-20190222-00006, Public Notice, DA 20-109, 35 FCC Rcd 114 (IB 2020). ATOC was already an applicant for the America-1 cable landing license.

AT&T also notified the Commission that MCI International Inc. was converted to a limited liability company and is now MCI International LLC, and of other pro forma changes in the ownership of MCI International LLC. See Actions Taken Under Cable Landing License Act, SCL-ASG-20200601-00023, Public Notice, DA 20-660 (IB rel. June 24, 2020).

The cable landing license, as amended, is granted. See SCL-LIC-20190326-00009.

Submarine Cable Landing License

Grant of Authority

Date of Action: 07/17/2020

Acceptability for Filing Public Notice: Application filed by AT&T Corp. on behalf of the Americas-1 Consortium for a new cable landing license to allow the continued operation of the Americas-1 Cable System (Americas-1) for an additional 25-year term following the expiration of the current license on September 1, 2019. See Streamlined Submarine Cable Landing License Applications Accepted for Filing, File No. SCL-LIC-20190326-00009, Public Notice, Report No. SCL-00241S (IB, rel. May 21, 2019). AT&T Corp. filed two amendments on July 10, 2020: (1) removing Sprint Communications Company L.P. as an applicant; and (2) removing certain entities as consortium members, (3) updating the ownership interests held in the cable, and (4) notifying the Commission of the changes regarding MCI International, Inc. See File Nos. SCL-AMD-20200710-00028 and SCL-AMD-20200710-00029. Applicants were granted Special Temporary Authority (STA) to allow the continued operation of the Americas-1 cable following expiration of the license, while the Commission considered the application for a new cable landing license. See File Nos. SCL-STA-20200124-00003 and SCL-STA-20190726-00021.

Americas-1 is a common carrier fiber-optic submarine cable system that links that U.S. Mainland with the U.S. Virgin Islands. The Americas-1 cable system was originally licensed in 1993 and commenced service on September 1, 1994. See American Telephone and Telegraph Company, et al., File No. SCL-93-002, Cable Landing License, 8 FCC Rcd 5041 (CCB 1993). (The IBFS file number is SCL-LIC-19921110-00002.) Americas-1 originally connected the U.S. mainland with the U.S. Virgin Islands, Brazil, Trinidad and Venezuela. The international segments were retired in June 2009. See Actions Taken Under the Cable Landing License Act, SCL-LIC-19921110-00002, Public Notice, 24 FCC Rcd 7051, 7052 (IB 2009).

The Application has been coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules, 47 CFR § 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://www.state.gov/r/pa/prs/ps/2001/6951.htm>. The Department of Homeland Security (DHS), with the concurrence of the Department of Justice and the Department of Defense, filed a letter to defer action on the Application on May 28, 2019. DHS filed a Petition to Adopt Conditions to Authorizations and Licenses on June 30, 2020. DHS has no objection to the Commission approving authority to allow the continued operation of the Americas-1 Cable System for an additional 25-year term, provided that the Commission conditions its approval on the commitment of AT&T Corp. to abide by the undertakings set forth in the June 22, 2020, Letter of Assurances from AT&T Corp. to DHS.

Actions Taken: (1) Grant of Cable Landing License to AT&T Corp., Atlantic Telecommunication Operating Company Limited, MCI International LLC, and Servicio di Telecomunicacion di Aruba (SETAR) N.V. for the purpose of landing and operating a common-carrier fiber-optic submarine cable system, the Americas-1 Cable System, that connects the U.S. mainland with the U.S. Virgin Islands; (2) waiver of section 1.767(h)(1) of the Commission's rules, 47 CFR § 1.767, in connection with the license, and (3) grant of the Petition to Adopt Conditions to Authorizations and Licenses filed by DHS on June 30, 2020.

Licensee Information: The Americas-1 Consortium is comprised of 22 members. Most members have a less than 5% interest in the cable and thus are not required to be licensees under the Commission's rules. See 47 CFR § 1.767(h)(2). The following four members will be licensees: (1) AT&T Corp.; (2) Atlantic Telecommunication Operating Company Limited (ATOC); (3) MCI International LLC (MCI) (formerly MCI International Inc.); and (4) Servicio di Telecomunicacion di Aruba (SETAR) N.V. (collectively, Applicants).

AT&T Corp., a New York company, is a direct, wholly owned subsidiary of AT&T Inc., a publicly traded Delaware company in which no person or entity holds a ten percent or greater direct or indirect voting or equity interest.

ATOC, a British Virgin Islands company, is a 100% indirectly owned subsidiary of Guyana Telephone and Telegraph Ltd. (GTT), a Guyana company. The ten percent or greater direct and indirect interest holders in ATOC are: (1) Atlantic Teleconnection Holdings Company Limited (ATCH), a British Virgin Islands company (100% voting and equity interest); (2) GTT International Service SRL (GTT SRL), a Barbados company (100% voting and equity interest in ATHC); (3) Guyana Telephone & Telegraph Company Ltd (GTT) (100% voting and equity interest in GTT SRL); (4) ATN International, Inc. (ATNI), a U.S. company (80% voting and equity interest in GTT); (5) Mr. Cornelius B. Prior, a U.S. citizen (27.4% voting and equity interest in ATNI); (6) Blackrock, Inc., a U.S. company (10.2% voting and equity interest in ATNI); (7) Hong Kong Golden Telecom Company Limited (HKGT), a Hong Kong company (20% voting and equity interest in GTT); (8) Datang Telecom International (Hong Kong) Co., Ltd. (Datang) (100% ownership of HKGT); and (9) China Academy of Telecommunications Technology (indirectly controls but does not wholly own Datang). No other person or entity holds a ten percent or greater direct or indirect voting or equity interest in ATOC.

MCI, a Delaware company, is an indirect, wholly owned subsidiary of Verizon Communications Inc. (Verizon), a U.S. publicly traded company. The ten percent or greater direct and indirect interest holders in MCI are: (1) Verizon Business Network Services, LLC (formerly, Verizon Business Network Services Inc.), a U.S. company (100% direct voting and equity interest); (2) Verizon Business Global LLC, a U.S. company (100% indirect voting and equity interest); and (3) Verizon (100% indirect voting and equity interest). No person or entity holds a ten percent or greater direct or indirect voting or equity interest in MCI.

SETAR, the incumbent local exchange carrier in Aruba, is wholly owned by the Government of Aruba. No other person or entity holds a ten percent or greater direct or indirect voting or equity interest in SETAR.

Cable Design and Capacity: The Americas-1 Cable System consists of one segment that is 2,013 kilometers in length and connects a cable landing station in Vero Beach, Florida to a cable landing station in Magens Bay, St. Thomas. It has two fiber pairs with a current design capacity of 800 gigabits per second (Gbps). The United States terminal points currently operate at up to 430 Gbps of capacity. The cable system capacity has been upgraded six times between 2009 and 2018.

Ownership of the Cable System and Landing Points: The Applicants will hold the following interests in Americas-1:

AT&T Corp. will have a 52.5744% voting and equity interest;

ATOC will have a 8.24782% voting and equity interest;

MCI will have a 18.51283% voting and equity interest; and

SETAR will have a 8.24552% voting and equity interest.

Any member of the consortium may exercise the right to upgrade the system, may transfer its right to use capacity to any of its subsidiaries or affiliates, and may sell private indefeasible rights of use (IRUs) to any licensed non-member.

The ownership and control of the cable landing stations is as follows: (1) AT&T Corp. owns and will continue to operate the cable landing station at Vero Beach, Florida, and (2) AT&T of the Virgin Islands, Inc. (AT&T VI) owns the cable landing station at Magens Bay, St. Thomas, Virgin Island. AT&T Corp. will continue to retain operational authority over the Magens Bay landing facilities. AT&T VI is a 59.10% owned indirect subsidiary of AT&T Corp., and an indirect wholly owned subsidiary of AT&T Inc., the 100% parent of AT&T Corp.

The Americas-1 parties jointly own landing station equipment, including submarine line terminal equipment, and optical distribution frames, which collectively provide the interface between the submersible cable and each party's terrestrial network. Each cable landing party own the buildings housing the landing station, its network protection equipment and digital cross connects, and its share of jointly owned facilities.

Applicants request a waiver of section 1.767(h)(1) of the Commission's rules, which requires that "any entity that owns or controls a cable landing station in the United States" shall be applicants for, and licensees on, a cable landing license." 47 CFR § 1.767(h)(1). According to the Applicants, AT&T VI will have no ability to affect significantly the operation of the Americas-1, and inclusion of AT&T VI as a joint applicant is not necessary to ensure compliance by the Applicants collectively with the Cable Landing License Act, the Commission's cable landing license rules, or the terms of the cable landing license. According to the Applicants, all personnel who operate the Magens Bay landing station are supervised, directly or indirectly, by AT&T Corp. personnel. AT&T Corp. has and will retain operational authority over the Magens Bay, Virgin Islands cable landing facility and will continue to provide direction to AT&T VI in all matters relating to the Americas-1 cable system.

The purpose of the 1.767(h)(1) requirement is to ensure that entities having a significant ability to affect the operation of the cable system become licensees so that they are subject to the conditions and responsibilities associated with the license. See Submarine Cable Landing License Report and Order, 16 FCC Rcd at 22194-95, paras. 53-54. While AT&T Corp. VI is the owner of the Virgin Islands landing station, we find that, based on the record in this proceeding, AT&T VI will not have the ability to affect significantly the operation of the cable system. Accordingly, we grant AT&T Corp. a waiver of 1.767(h)(1) and do not require AT&T VI to be on the cable landing license for the Americas-1 cable system.

Regulatory Status of the Cable: The Applicants propose to continue to operate the Americas-1 cable system on a common carrier basis.

Conditions and Requirements: AT&T Corp., ATOC, MCI, and SETAR will each comply with the routine conditions set out in 1.767(g) of the Commission rules, 47 C.F.R. § 1.767 (g), and with the requirements of section 1.768 of the Commission's rules, § 1.768 (Notification by and prior approval for submarine cable landing licensees that are or propose to become affiliated with a foreign carrier).

We grant the Petition to Adopt Conditions to Authorizations and Licenses (Petition) filed in this proceeding on June 30, 2020 by the Department of Homeland Security (DHS). Accordingly, we condition grant of the application on AT&T Corp. abiding by the commitments and undertakings contained in the June 22, 2020, Letter of Assurances (2020 LOA) from AT&T Corp. to DHS. 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 cable landing license and thus grounds for declaring 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 and the 2020 LOA are publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for SCL-LIC-20190326-00009 and accessing "Other filings related to this application" from the Document Viewing area.

License Term: Under the Commission's rules a cable landing license shall expire 25 years after the in-service date for the cable. 47 CFR § 1.767 (g)(15). As Americas-1 is already in-service, this license shall expire 25 years from grant, July 17, 2045.
