



PUBLIC NOTICE

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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.

Amendment

Grant of Authority

Date of Action: 02/02/2021

Amendment filed by AT&T Corp., on behalf of the Taino-Carib Consortium, to revise the application for authority to renew the Taino-Carib submarine cable license for an additional 25-year term. See Non-Streamlined Submarine Cable Landing License Applications Accepted For Filing, File No. SCL-LIC-20180702-00019, Public Notice, Report No. SCL-00225NS (IB, rel. Sept. 4, 2018). Taino-Carib is a common carrier fiber-optic submarine cable system that connects Puerto Rico with the U.S. Virgin Islands and the British Virgin Islands. The Taino-Carib was originally licensed in 1992. See SCL-LIC-19920107-00005 (Old File No. SCL-92-002); Telefonica Larga Distancia de Puerto Rico et al., SCL-92-002, Cable Landing License, 7 FCC Red 4275 (CCB 1992).

The Taino-Carib Consortium amended the Application to inform the Commission that: (1) Telefonica Larga Distancia De Puerto Rico has withdrawn from the consortium and accordingly withdraws from the Application; (2) MCI International was converted to a limited liability corporation on June 30, 2020, and became MCI International, LLC. The amendment also provides revised ownership information for Sprint Communications Company L.P. and updated information on ownership and voting interests held by the applicants and consortium members in the system.

The cable landing license, as amended, is granted. See SCL-LIC-20180702-00019.

Submarine Cable Landing License
Grant of Authority

Date of Action: 02/02/2021

Acceptability for Filing Public Notice: Application filed by AT&T Corp. (AT&T) on behalf of the Taino-Carib Consortium for a license to renew the authority for the Taino-Carib Cable System for an additional 25-year term. File No. SCL-LIC-20180702-00019, Public Notice, Non-Streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. SCL-00225NS (IB rel. Sep. 4, 2018). No comments or oppositions were filed in response to the Public Notice. AT&T filed an amendment on August 4, 2020 notifying the Commission that: (1) Telefonica Larga Distancia De Puerto Rico has withdrawn from the consortium and accordingly withdraws from the Application; (2) MCI International was converted to a limited liability corporation on June 30, 2020, and became MCI International, LLC. See File No. SCL-AMD-20200804-00034. AT&T also filed supplements, on December 14, 2018, March 8, 2019, January 9, 2020, January 12, 2021, and February 2, 2021, providing (1) updated ownership percentages of the cable by the various consortium members, (2) updated ownership information for some of the Applicants, and (3) updated information about the cable landing station at Isla Verde, Puerto Rico. The January 21, 2021 supplement also notified the Commission that Prepa Networks, LLC was renamed Hub Advanced Networks, LLC.

The Taino-Carib cable, originally licensed in 1992, is a common carrier fiber-optic submarine cable system that links Puerto Rico with the U.S. Virgin Islands and the British Virgin Islands, and connects at these landing points to other cables extending to the U.S. Mainland, other Caribbean islands, and Central and South America. See Telefonica Larga Distancia De Puerto Rico, et al., SCL-92-002, Cable Landing License, 7 FCC Rcd 4275 (CCB 1992) (New File No. SCL-LIC-19920107-00005). AT&T was granted Special Temporary Authority (STA) to allow the continued operation of the Taino-Carib submarine cable pending Commission action on the renewal application. See File Nos. SCL-STA-20180119-00001, SCL-STA-20180629-00017, SCL-STA-20190128-00002, SCL-STA-20190726-00022, SCL-STA-20200124-00004, and SCL-STA-20200713-00030.

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) filed a letter to defer action on the Application on September 6, 2018. The National Telecommunications and Information Administration, on behalf of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee), submitted a Petition to Adopt Conditions to Authorizations and Licenses on January 11, 2021. The Committee has no objection to the Commission approving the application to renew the authority to operate the Taino-Carib Cable System provided that the Commission conditions its approval on the assurances of AT&T Corp. and Prepa Networks, LLC (now known as Hub Advanced Networks, LLC) to abide by the commitments and undertakings set forth in their respective June 22, 2020 and July 2, 2020 Letters of Assurances (LOAs) and submitted to DHS.

Actions Taken: (1) Grant of Cable Landing License to AT&T Corp., Cable & Wireless (BVI) Limited, MCI International, LLC, Sprint Communications Company L.P., Hub Advanced Networks, LLC, and Antelecom N.V for the purpose of landing and operating a common-carrier fiber-optic submarine cable system, the Taino-Carib Cable System, that connects Puerto Rico with the U.S. Virgin Islands and the British 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 NTIA on January 11, 2021.

Licensee Information: The Taino-Carib Consortium is comprised of 14 Parties, of which six (6) are applicants to the renewal application: (1) AT&T Corp.; (2) Cable & Wireless (BVI) Limited (C&W BVI); (3) MCI International, LLC (formerly MCI International, Inc.); (4) Sprint Communications Company L.P. (Sprint Communications); (5) Hub Advanced Networks, LLC (previously, Prepa Networks, LLC); and (6) Antelecom N.V. (Antelecom) (collectively, Applicants). The other consortium members hold a less than 5% interest in the U.S. end of the cable and consequently do not need to be applicants/licensees. See 47 CFR § 1.767(h).

AT&T Corp., a New York company, is a direct, wholly owned subsidiary of AT&T, Inc., a Delaware company whose shares are publicly traded and widely held on the U.S. stock market. No other person or entity holds a ten percent or greater direct or indirect voting or equity interest in AT&T Corp.

C&W BVI is incorporated under the laws of the British Virgin Islands. The ten percent or greater direct and indirect interest holders in C&W BVI are: (1) Cable & Wireless (West Indies) Limited, an English company (100% direct voting and equity interest); (2) CWI Group Limited, an English company (100% indirect voting and equity interest); (3) Sable Holding Limited, an English company (100% indirect voting and equity interest); (4) Cable & Wireless Limited, an English company (100% indirect voting and equity interest); (5) Cable & Wireless Communications Limited, an English company (100% indirect voting and equity interest); (6) LGE Coral Holdco Ltd., an English company (100% indirect voting and equity interest); (7) Liberty CWC Holdings Limited, a Barbados company (100% indirect voting and equity interest); (8) LiLAC Services Ltd., a Bermuda company (100% indirect voting and equity interest); and (9) Liberty Latin America Ltd., a Bermuda company (100% indirect voting and equity interest). The following persons and/or entities hold 10% or greater ownership interests in Liberty Latin America: (1) Mr. John C. Malone, a U.S. citizen (25.5% voting and equity interest); and (2) Genesis Asset Managers, a Delaware company (11.8% voting and equity interest). No other person or entity will hold a ten percent or greater direct or indirect equity or voting interest in Liberty Latin America Ltd. (Bermuda) or C&W BVI.

MCI International, LLC, 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 International, LLC are: (1) Verizon Business Network Services, LLC., a U.S. limited liability company (100% direct voting and equity interest); (2) Verizon Business Global LLC, a U.S. limited liability company (100% indirect voting and equity interest); and (3) Verizon (100% indirect voting and equity interest). No other person or entity will hold a ten percent or greater direct or indirect equity or voting interest in MCI International, LLC or Verizon.

Sprint Communications Company L.P. is a Delaware company whose ultimate parent is SoftBank Group Corp., a Japanese company. The ten percent or greater direct and indirect interest holders in Sprint Communications Company L.P. are: (1) Sprint Communications, Inc., a U.S. company (100% voting and equity interest in Sprint Communications Company L.P., 95.06% directly and 4.94% indirectly through its wholly owned subsidiary Utelcom LLC); (2) Sprint Corporation (100% voting and equity interest in Sprint Communications, Inc.); (3) T-Mobile USA, Inc., a U.S. company (100% voting and equity interest in Sprint Corporation); (4) T-Mobile US, Inc., a U.S. company (100% voting and equity interest in T-Mobile USA, Inc.); (5) Deutsche Telekom AG, a German company (Approximately 43% voting and ownership interest in T-Mobile US, Inc.); and (6) SoftBank Group Corp., a Japanese company (Approximately 24% voting and equity interest in Deutsche Telekom AG). The remaining approximately 33% of stockholders are public stockholders. No other person or entity will hold a ten percent or greater direct or indirect equity or voting interest in Sprint Communications Company L.P.

Hub Advanced Networks, LLC, a Delaware company, is 100% owned and controlled, on a direct basis, by Prepa Holdings, LLC, a Delaware company, which, in turn, is wholly owned by the Puerto Rico Electric Power Authority (PREPA), the state-owned and controlled public electric utility company. No other person or entity will hold a ten percent or greater direct or indirect equity or voting interest in Hub Advanced Networks, LLC.

Antelecom, a Curacao company, is a direct, wholly owned subsidiary of United Telecommunication Services N.V., a Curacao company. The ultimate beneficial owner of Antelecom is Liberty Latin America Ltd., a Bermuda company whose shares are publicly listed on the NASDAQ stock exchange. The following persons and/or entities hold 10% or greater ownership and voting interests in Liberty Latin America: (1) Mr. John C. Malone, a U.S. citizen (25.5% voting and equity interest); and (2) Genesis Asset Managers, a Delaware company (11.8% voting and equity interest). No other person or entity will hold a ten percent or greater direct or indirect equity or voting interest in Antelecom or Liberty Latin America Ltd (Bermuda).

Cable Design and Capacity: The Taino-Carib Cable System consists of six fiber pairs, utilizes repeaterless technology, and is 130 kilometers in length. Taino-Carib has a current cumulative design capacity of 2.4 terabits per second (Tbps), and the United States terminal points currently operate at up to 1.2 Tbps of cumulative capacity. The cable system capacity has been upgraded multiple times between 2000 and 2018, to 1.17 Tbps of cumulative equipped capacity, using new technology that will increase the cumulative design capacity to 48 Tbps and upgrade the United States terminal points to operate at up to 24 Tbps of cumulative capacity.

The Taino-Carib cable consists of four segments. Segment 1 connects a cable landing station located at Miramar, Puerto Rico to the Branching Unit. Segment 2 connects a cable landing station located at Isla Verde, Puerto Rico to the Branching Unit. Segment 3 comprises the submarine cable from the Branching Unit to the existing cable landing station located at Magens Bay, St. Thomas, and Segment 4 extends from the Magens Bay cable landing station to the cable landing station located at Tortola, British Virgin Islands. AT&T states that all traffic originating and terminating at the current Isla Verde cable landing station continues, but passes through a newer cable landing station also located in Isla Verde, with the exception of traffic on one fiber pair added to the cable as a result of a 2018 upgrade which originates and terminates at the new landing station.

Ownership of the Cable System and Landing Points: The cable system and segments will be owned and controlled as follows:

AT&T Corp. will have a 49.00000% voting interest and a 56.95265% equity interest in the Taino-Carib system and hold voting and equity interests in Segment 1 (88.79927%), Segment 2 (85.28402%), Segment 3 (86.49237%), and Segment 4 (12.44628%).

C&W BVI will have a 16.78258% voting and a 14.16560% equity interest in the Taino-Carib system and hold voting and equity interests in Segment 1 (6.57451%), Segment 2 (6.83610%), Segment 3 (6.74618%), and Segment 4 (73.12866%).

MCI International, LLC will have a 11.93711% voting and a 10.07571% equity interest in the Taino-Carib system and hold voting and equity interests in Segment 1 (0.84945%), Segment 2 (1.75853%), Segment 3 (1.44604%), and Segment 4 (1.76676%).

Sprint Communications Company L.P. will have a 7.44167% voting and a 6.28126% equity interest in the Taino-Carib system and hold voting and equity interests in Segment 1 (0.05183%), Segment 2 (1.80602%), Segment 3 (1.20302%), and Segment 4 (1.00373%).

Hub Advanced Networks, LLC will have a 2.02892% voting and a 1.71254% equity interest in the Taino-Carib system and hold voting and equity interests in Segment 1 (0.07531%), Segment 2 (1.71655%), Segment 3 (1.15238%), and Segment 4 (0.13225%).

Antelecom will have a 4.57190% voting interest and a 3.85898% equity interest in the Taino-Carib system and hold voting and equity interests in Segment 1 (1.71104%), Segment 2 (2.56232%), Segment 3 (2.26970%), and Segment 4 (9.93620%).

All ownership shares in Segments 1, 2, and 3 are within U.S. territorial waters, and the ownership shares in the portion of Segment 4 that are inside, and outside U.S. territorial waters are the same. Ownership and voting interests that have changed since the initial Application was filed in 2018 are a result of consortium parties exercising their transfer or withdrawal rights.

The ownership and control of the cable landing stations are as follows: (1) AT&T of Puerto Rico (AT&T PR), an indirect subsidiary of AT&T Corp., owns the cable landing station at Miramar, San Juan, Puerto Rico and AT&T Corp. will continue to retain operational authority over the Miramar landing facilities; (2) Hub Advanced Networks, LLC owns and operates the cable landing station located at Isla Verde, Carolina, Puerto Rico; (3) AT&T of the Virgin Islands, Inc. (AT&T VI), an indirect subsidiary of AT&T Corp., owns the cable landing station at Magens Bay, St. Thomas, Virgin Islands and AT&T Corp. will continue to retain operational authority over the Magens Bay landing facilities; and (4) C&W BVI owns and operates the cable landing station at Tortola, British Virgin Islands. The Taino-Carib parties jointly own landing station equipment, including submarine line terminal equipment, add/drop multiplexer equipment, and optical distribution frames, which collectively provide the interface between the submersible cable and each party's terrestrial network. Each landing party owns the building housing the landing station, its own 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 C.F.R. § 1.767(h)(1). According to the Applicants, AT&T PR and AT&T VI will have no ability to affect significantly the operation of the Taino-Carib, and inclusion of AT&T PR and AT&T VI as joint applicants 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. AT&T PR and AT&T VI are 59.10% owned indirect subsidiaries of AT&T Corp., one of the Applicants for this authorization, and wholly owned indirect subsidiaries of AT&T, Inc., the 100% parent of AT&T Corp. According to the Applicants, all personnel who operate these two landing stations are supervised, directly or indirectly, by AT&T Corp. personnel. AT&T Corp. has and will continue to retain operational authority over the Miramar, Puerto Rico and Magens Bay, Virgin Islands cable landing facilities and will continue to provide direction to AT&T PR and AT&T VI in all matters relating to the Taino-Carib 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 PR and AT&T VI are the owners of the Puerto Rico and Virgin Islands cable landing stations, respectively, we find that, based on the record in this proceeding, AT&T PR and AT&T VI will not have the ability to affect significantly the operation of the cable system. Accordingly, we grant the Applicants a waiver of 1.767(h)(1) and do not require either AT&T PR or AT&T VI to be on the cable landing license for the Taino-Carib Cable System.

Regulatory Status of the Cable: The Applicant proposes to continue to operate the Taino-Carib cable system on a common carrier basis. See ITC-MOD-20191025-00173.

Conditions and Requirements: Applicants will comply with the routine conditions set out in 1.767(g) of the Commission rules, 47 CFR § 1.767, and with the requirements of section 1.768 of the Commission's rules, 47 CFR § 1.768 (Notification by and prior approval for submarine cable landing licensees that are or propose to become affiliated with a foreign carrier).

Cable & Wireless (BVI) Ltd. Agrees to comply with the reporting requirements set out in 1.767(l) of the Commission's rules, 47 CFR § 1.767(l), on the U.S.-British Virgin Islands route.

Antelecom agrees to comply with the reporting requirements set out in 1.767(l) of the Commission's rules, 47 CFR § 1.767(l), on the U.S.-British Virgin Islands route.

We grant the Petition to Adopt Conditions to Authorizations and Licenses (Petition) filed by the National Telecommunications and Information Administration, on behalf of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector, on January 11, 2021. Accordingly, we condition grant of the application on (1) AT&T Corp. abiding by the commitments and undertakings contained in the June 22, 2020, Letter of Assurances from Juan G. Flores, Senior Vice President, Core Network Operations, AT&T Corp. to the Assistant Secretary for Trade and Economic Security, Office of Strategy, Policy and Plans, DHS (AT&T LOA); and (2) Prepa Networks, LLC (now known as Hub Advanced Networks, LLC) abiding by the commitments and undertakings contained in the July 2, 2020, Letter of Assurances from José D. Casillas, Managing Director, Prepa Net Networks, to the Assistant Secretary for Trade and Economic Security, Office of Strategy, Policy and Plans, DHS (Prepa (Hub Advance Networks) 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 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 AT&T LOA and the Prepa (Hub Advance Networks) LOA are publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for SCL-LIC-20180702-00019 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 Taino-Carib is already in-service, this license shall expire 25 years from grant, February 02, 2046.
