



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 CFR § 1.767(a))

By the Chief, Telecommunications and Analysis Division, Office of International Affairs:

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 CFR § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules. 47 CFR § 0.261. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules may be filed within thirty (30) days of the date of this public notice. 47 CFR §§ 1.106, 1.115.

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 and consistent with procedures established with the Department of State. 47 CFR § 1.767(b); 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); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (rel. Apr. 19, 2022).

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. 47 CFR §§ 1.767, 1.768. Cable landing licensees should review 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.

Submarine Cable Landing License

Grant of Authority

Date of Action: 10/10/2023

Acceptability for Filing Public Notice: Global Crossing Telecommunications, Inc. (GCTI) filed an application for a new cable landing license to allow the continued operation of the Atlantic Crossing 1 (AC-1) submarine cable system for an additional 25-year term following the expiration of the current license on May 1, 2023. Pursuant to section 1.62 of the Commission's rules, the license continued in effect without further action by the Commission until such time as the Commission made a final determination with respect to the renewal application. 47 CFR § 1.62(a). GCTI filed supplements on April 12, 2023 and May 5, 2023. See File No. SCL-LIC-20230222-00005, Non-Streamlined Submarine Cable Landing License Applications Accepted For Filing, Report No. SCL-00416NS, Public Notice (OIA May 19, 2023). No comments or oppositions were filed in response to the Public Notice.

On July 25, 2023, GCTI filed an amendment to change the applicant from GCTI to Camelot Landing, LLC (Camelot), pursuant to a pro forma assignment of GCTI's interests in the cable landing license for the AC-1 cable system to Camelot. See File No. SCL-AMD-20230725-00020, 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 CFR § 1.767(a)), Report No. SCL-00431, Public Notice, (OIA Sept. 14, 2023).

The AC-1 system is a non-common carrier submarine cable system connecting Shirley, New York (also known as the Brookhaven, New York landing station); Sylt, Germany; Beverwijk, Noord-Holland, the Netherlands; and Whitesand Bay, United Kingdom. The cable was originally licensed in 1997. See File No. SCL-LIC-19970506-00003 (previous File No. SCL-97-002), Cable Landing License, 13 FCC Rcd 5961 (IB 1997); File No. SCL-MOD-19971223-00014 (previous File No. SCL-97-002(M)), Modification of Cable Landing License, 13 FCC Rcd 7171 (IB 1998). The AC-1 system commenced service on May 1, 1998. See Letter from Nicholas G. Alexander, Associate General Counsel, CenturyLink, Inc., to Denise Coca, Chief, Telecommunications and Analysis Division, FCC International Bureau (June 6, 2018) (on file in File No. SCL-LIC-19970506-00003); Letter from Nicholas G. Alexander, Associate General Counsel, CenturyLink, Inc., to Denise Coca, Chief, Telecommunications and Analysis Division, FCC International Bureau (August 1, 2018) (on file in SCL-LIC-19970506-00003).

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 the procedures established by 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); Commission Announces Department of State's Revised Procedures For Its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (IB Apr. 19, 2022). On May 24, 2023, the Department of Justice (DOJ), on behalf of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee), filed a letter notifying the Commission that the Committee was reviewing the Application for any national security and law enforcement concerns that may be raised by foreign participation in the United States telecommunications services sector and requested that the Commission defer action on the Application. We deferred action on the Application in response to the Committee's request. On September 25, 2023, the National Telecommunications and Information Administration, on behalf of the Committee, filed a Petition to Adopt Conditions to Authorization and License. The Committee has no objection to the Commission granting the Application, provided that the Commission conditions its approval on the assurances of Colt Technology Services Group Limited and Camelot Landing, LLC, which will become a wholly-owned subsidiary of Colt upon closing, to abide by the commitments and undertakings set forth in the September 6, 2023, Letter of Agreement (LOA) attached to the Petition to Adopt Conditions to Authorization and License.

Actions Taken: (1) Grant of a Cable Landing License to Camelot Landing, LLC for the purpose of landing and operating a non-common carrier fiber-optic submarine cable system, the Atlantic Crossing 1 (AC-1) submarine cable system that connects Brookhaven, New York; Sylt, Germany; Whitesand Bay, United Kingdom; and Beverwijk, the Netherlands; and (2) grant of the Petition to Adopt Conditions to Authorization and License filed by the National Telecommunications and Information Administration on September 25, 2023.

Licensee Information: Camelot, a Delaware limited liability company, is a wholly owned, indirect subsidiary of Lumen Technologies, Inc. (Lumen), a Louisiana corporation.

The 10% or greater direct or indirect interest holders of Camelot are: (1) Level 3 Communications, LLC (Level 3 Communications), a Delaware entity (100% equity and voting interests in Camelot); (2) Level 3 Financing, Inc. (Level 3 Financing), a Delaware entity (100% equity and voting interests in Level 3 Communications); (3) Level 3 Parent, LLC (Level 3 Parent), a Delaware entity (100% equity and voting interests in Level 3 Financing); (4) Wildcat Holdco LLC (Wildcat), a Delaware entity (100% equity and voting interests in Level 3 Parent); (5) Lumen (100% equity and voting interests in Wildcat); (6) The Vanguard Group, Inc., a Pennsylvania entity (approximately 11.15% equity interest and 0.13% voting interest in Lumen, as of December 31, 2022); (7) BlackRock, Inc., a Delaware entity (approximately 11.2% equity interest and 10.79% voting interest in Lumen, as of March 31, 2023). No other person or entity holds a direct or indirect 10% or greater interest in Camelot.

Cable Design and Capacity: The AC-1 system currently provides 4,600 Gbps of available capacity between the United States and Europe and has a design capacity of 5,600 Gbps. The AC-1 system consists of: (1) Segment A (Brookhaven, New York to Sylt, Germany), which has 4 fibers and a design capacity of 4,000 Gbps and lit capacity of 260 Gbps; (2) Segment B1 (Whitesand Bay, United Kingdom to Beverwijk, Netherlands), which has 4 fibers and no design capacity or lit capacity; (3) Segment B2 (Sylt, Germany to Beverwijk, the Netherlands), which has 4 fibers and a design capacity of 4,000 Gbps and lit capacity of 40 Gbps; and (4) Segment C (Brookhaven, New York to Whitesand Bay, United Kingdom), which has 4 fibers and a design capacity of 5,600 Gbps and lit capacity of 4,600 Gbps.

Ownership and Control of the Cable System and Landing Points: The equity and voting interests held in the wet infrastructure and common infrastructure are the following: (1) Camelot holds (i) 100% equity and voting interests in the portion in U.S. territory, and (ii) 45.23% equity and voting interests in the portion in international waters; (2) Fibernet UK Limited holds 54.77% equity and voting interests in the portion in international waters; (3) Lumen Technologies Europe Limited holds 100% equity and voting interests in the portion in United Kingdom territory; (4) Lumen Technologies Germany GmbH holds 100% equity and voting interests in the portion in Germany territory; and (5) Lumen Technologies NL B.V. holds 100% equity and voting interests in the portion in the Netherlands territory.

Camelot, Fibernet UK Limited, Lumen Technologies Europe Limited, Lumen Technologies Germany GmbH, and Lumen Technologies NL B.V. are wholly owned subsidiaries of Lumen.

The cable landing stations for the AC-1 system are located in Shirley (Brookhaven), New York; Sylt, Schleswig-Holstein, Germany; Beverwijk, Noord-Holland, the Netherlands; and Whitesands Bay, Cornwall, United Kingdom. The cable landing stations are owned and controlled as follows: (1) Camelot owns and controls the cable landing station in Shirley (Brookhaven), New York; (2) Deutsche Telekom owns and controls the cable landing station in Sylt, Schleswig-Holstein, Germany; (3) KPN owns and controls the cable landing station in Beverwijk, Noord-Holland, the Netherlands; and (4) Lumen Technologies Europe Limited owns and controls the cable landing station in Whitesands Bay, Cornwall, United Kingdom.

Regulatory Status of the Cable: The AC-1 system will continue to be operated as a non-common carrier cable system.

Conditions and Requirements: Camelot Landing, LLC shall comply with the routine conditions specified in section 1.767(g) of the Commission's rules, 47 CFR § 1.767(g), 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 licenses that are or propose to become affiliated with a foreign carrier).

We grant the Petition to Adopt Conditions to Authorization and License (Petition) filed in this proceeding 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 September 25, 2023. Accordingly, we condition grant of the Application on Colt Technology Services Group Limited and Camelot Landing, LLC abiding by the commitments and undertakings set forth in the Letter of Agreement from Alessandro Galtieri, Director, Colt Technology Services Group Limited, and Robert W. McCarthy, Senior Vice President-Business Development, Camelot Landing, LLC, to Under Secretary for Strategy, Policy and Plans, Office of Strategy, Policy and Plans, U.S. Department of Homeland Security; Office of Foreign Investment Review, Director, Undersecretary of Acquisition and Sustainment, U.S. Department of Defense, dated September 6, 2023.

A copy of the Petition and the LOA are publicly available and may be viewed on the FCC website through the International Communications Filing System (ICFS) by searching for SCL-LIC-20230222-00005 and accessing "Other filings related to this application" from the Document Viewing area.

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 the 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.

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 the Atlantic Crossing 1 (AC-1) submarine cable system is already in-service, this license shall expire 25 years from grant, October 10, 2048.
