



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. SCL-00134S

Tuesday October 23, 2012

Streamlined Submarine Cable Landing License Applications Accepted For Filing

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 1.767 of the Commission's rules, 47 C.F.R. § 1.767. Pursuant to the Submarine Cable Landing License Act, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301, each applicant seeks: (a) the grant of a cable landing licensee; (b) the modification of a cable landing license; and/or (c) the assignment or transfer of control of an interest in a submarine cable landing license.

Pursuant to its decision in Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001) and section 1.767 of the rules, the Commission will take action upon these applications within forty-five (45) days after release of this public notice, unless the Commission has informed the applicant in writing that the application, upon further examination, has been deemed ineligible for streamlined processing.

Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206. Filings relating to this application must be received within 14 days of this notice. Such filings will not necessarily result in an application being deemed ineligible for streamlined processing.

Copies of all applications listed here are available for public inspection in the FCC Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street, SW, Washington DC 20554. The center can be contacted at (202) 418-0270. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Modification

Application to modify the cable landing license for the GlobeNet Cable System, SCL-LIC-19990602-00010, held by Brasil Telecom of America, Inc. (GlobeNet), for an additional segment extending the existing cable system to Barranquilla, Colombia. The GlobeNet Cable System currently links Boca Raton, Florida; Maiquetia, Venezuela; Fortaleza, Brazil; Rio de Janeiro, Brazil; St. David's, Bermuda; and Tuckerton, New Jersey. The cable is operated on a non-common carrier basis.

The GlobeNet Cable System will be connected to Colombia by the insertion of a Branching Unit to divert a fiber pair in the segment of the system that connects Boca Raton, Florida and Maiquetia, Venezuela. This new segment will consist of a new two fiber pair submarine cable approximately 1,000 km long to reach Barranquilla, Colombia. The resulting links, Colombia-U.S.A. and Colombia-Venezuela, will be designed to allow at least 1.92Tbit/s of traffic capacity (48 x 40Gbit/s) per fiber pair.

GlobeNet owns the entirety of the GlobeNet Cable System. GlobeNet is a wholly-owned subsidiary of Brasil Telecom Subsea Cable Systems (Bermuda) Ltd, which is in turn a wholly-owned subsidiary of Brasil Telecom Cabos Submarinos Ltda. Oi S.A. has a 99.99% interest in Brasil Telecom Cabos Submarinos Ltda., and Telemar Participacoes S.A. (TmarPart) has a 17.72% interest in Oi S.A. L.F Tel S.A. and AG Telecom Participacoes S.A. each have a 10.91% indirect interest in GlobeNet through their ownership in TmarPart. No other individuals or entities have a 10% or greater direct or indirect equity or voting interest in GlobeNet.

GlobeNet agrees to accept and abide by the routine conditions set out in section 1.767(g) of the Commission's rules, 47 C.F.R. § 1.767(g). GlobeNet also agrees to accept and abide by the reporting requirements set out in section 1.767(l) of the rules, 47 C.F.R. § 1.767(l), for the U.S.-Brazil route.

GlobeNet has entered into a Letter of Assurance (LOA), dated February 11, 2009, with the Department of Homeland Security regarding the operations of the GlobeNet Cable System. GlobeNet states that it will continue to abide by the requirements of the LOA with respect to the new segment and landing site. A copy of the LOA is publicly available and may be viewed on the FCC web-site through the International Bureau Filing System (IBFS) by searching for SCL-MOD-20121003-00012 and accessing "Other filings related to this application" from the Document Viewing area.

REMINDERS:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See C.F.R. §§ 1.2001-1.2003.

The Commission's rules applicable to submarine cable landing licenses (47 C.F.R. §§ 1.767, 1.768) are available at <http://www.fcc.gov/ib/td/pf/telecomrules.html>. See also http://hraunfoss.fcc.gov/edoc_public/attachmatch/DA-02-5981A1.pdf for a March 13, 2002 Public Notice; http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-332A1.pdf for the December 14, 2001 Report and Order.

By this notice, we inform the public that submarine cable landing license applications and international section 214 applications that are part of larger transactions involving multiple Commission licenses or authorizations may involve "extraordinary circumstances" as referenced in Review of Commission Consideration of Applications under the Cable Landing License Act, Report and Order, 16 FCC Rcd 22167 (2001) and Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891 (1997), paras. 327-28, Order on Reconsideration, 15 FCC Rcd 18158 (2000). Additionally, these extraordinary circumstances may result where Executive Branch agencies petition the Commission to defer decision on certain transactions pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may not be acted on within the 90-day review period that the Commission has established as the period of time normally required to reach a decision on non-streamlined cable landing licenses and international section 214 applications. This notice shall serve as public notice to applicants that, in these circumstances, additional time may be required for Commission review and final action. No additional formal public notice will be provided routinely with respect to specific applications in the event that the applicable review period extends beyond 90 days.