



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. SCL-00136S

Thursday January 10, 2013

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.

Submarine Cable Landing License

Application filed by viNGN, Inc. d/b/a Virgin Islands Next Generation Network, Inc. (viNGN) for a license to construct, land and operate a non-common carrier fiber-optic submarine cable directly linking the islands of St. Thomas and St. Croix, both of which are located within the United States Virgin Islands (St. Thomas-St. Croix System).

The St. Thomas-St. Croix System will be a high capacity digital fiber-optic system comprised of twelve (12) geographically separated cables, with each cable having 12 strands of fiber, with a design capacity of 100 Gigabits per second (Gbps) per fiber strand. The system will provide an initial design capacity of 10 Gbps on the first fiber strand in each cable. The cable system is based on non-repeated technology using long range 10 Gigabit optical transceivers on each end of the cable.

The St. Thomas-St. Croix System will have landing stations in (1) Christiansted, St. Croix; (2) Frederiksted, St. Croix; (3) Brewers Bay, St. Thomas; (4) Great Bay, St. Thomas; (5) Flamingo Bay (Water Island), St. Thomas; (6) Banana Bay (Water Island), St. Thomas; and (7) Vila Olga, St. Thomas. The proposed landing station locations are either owned by the U.S. Virgin Islands Government or are the subject of negotiations for easements that will allow viNGN access to the landing locations. viNGN will be fully responsible for the operation of the landing terminal equipment at each station. Each of the landing points associated with the cable system will consist exclusively of beach manholes and will not involve construction or use of buildings.

viNGN proposes to operate the cable system on a non-common carrier basis. viNGN states that the USVI region is served by other cable systems, so there are routing options and competitive alternatives to the proposed St. Thomas-St. Croix System in the region. viNGN also states that it will not offer capacity to the public indifferently, but rather the capacity will be made available to its customers on terms tailored to their particular needs. viNGN further states that it will provide wholesale, reliable high speed internet connections to retail providers, institutions and public infrastructure stewards who will, in turn, provide service to residents, businesses, and the Government of the Virgin Islands.

viNGN, a wholly-owned subsidiary of the Virgin Islands Public Finance Authority (VIPFA), is a public (not publicly-held) corporation. VIPFA holds a ten percent or greater interest in viNGN. VIPFA is a public corporation and autonomous government instrumentality created in 1988 by the U.S. Virgin Islands Legislature for the purpose of aiding the U.S. Virgin Islands Government in the performance of its fiscal duties and carrying out its governmental responsibility of raising capital for public projects.

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.