



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. SCL-00143S

Monday August 5, 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 license; (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.

Transfer of Control

Current Licensee: Brasil Telecom of America Inc.

FROM: Oi S.A.

TO: BTG Pactual YS Empreendimentos e Participacoes S.A.

Application filed for consent to the transfer of control of the cable landing license for the Globenet Cable System, SCL-LIC-19990602-00010 and SCL-MOD-20121003-00012, held by Brasil Telecom of America Inc. (Globenet), from Oi S.A. (Oi) to BTG Pactual YS Empreendimentos e Participacoes S.A. (BTG). The Globenet Cable System is a non-common carrier fiber-optic cable system linking the continental United States, Bermuda, Brazil, Colombia and Venezuela.

Globenet is an indirect wholly-owned subsidiary of Oi. Oi together with its subsidiary, BRT Servicos de Internet S.A., entered into a quota purchase agreement with BTG to transfer all of their equity interests in Brasil Telecom Cabos Submarinos Ltda (Cabos) and its subsidiaries located in Venezuela, Colombia, Bermuda and the United States, including Globenet. Globenet will thus become an indirect subsidiary of BTG.

Post consummation, Brasil Telecom Subsea Cable Systems (Bermuda) Ltd. (Brasil Subsea Cable), a Bermudan company, will hold a 100% voting and equity interest in Globenet. Brasil Subsea Cable is 100% owned by Cabos, a Brazilian company, which, in turn, is 99.99% owned by BTG, a Brazilian company, which, in turn, is 99.99% owned by BTG Pactual Infraestrutura II Fundo de Investimento em Participacoes (FIP Infraestrutura), a Brazilian company. The following companies hold ten percent or greater ownership interests in FIP Infraestrutura: (1) Saudi Arabian Monetary Agency, the central bank of the Kingdom of Saudi Arabia (22.6%), (2) BTG Investments LP, a Brazilian company (18.8%), (3) Infra-PSP Canada Inc., a Canadian company (18.8%), and (4) BTG Pactual Infraestrutura II Fundo De Investimento EM Cotas De Fundo De Investimento Em Participacoes (22.6%). These entities have passive investment in FIP Infraestrutura and their voting rights are considered minority protections only. BTG's investment committee (formed by nine Brazilian nationals) makes all major investment decisions regarding this fund. No other individual or entity will have a ten percent or greater equity or voting interest in Globenet.

Applicants agree to abide by the routine conditions specified in section 1.767(g) of the Commission's rules, 47 C.F.R. § 1.767(g).

Applicants state that GlobeNet has in place a Letter of Assurance, dated February 11, 2009, with relevant U.S. Executive Branch agencies, and certify that they will continue to abide by the commitments in the Letter of Assurance. A copy of the Letter of Assurance are publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for SCL-T/C-20081212-00021 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.