



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. SCL-00155S

Friday September 26, 2014

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: Hibernia Atlantic U.S. LLC

FROM: Columbia Ventures Corporation

TO: Murosa Development S.A.R.L.

Application filed for consent to the transfer of control of the cable landing license for the Hibernia Atlantic Cable System (Hibernia Cable System), SCL-LIC-19990804-00012, SCL-MOD-20020412-00022, held by Hibernia Atlantic U.S. LLC (HB Atlantic), from Columbia Ventures Corporation (CVC) to Murosa Development S.A.R.L. (Murosa). The Hibernia Cable System is a non-common carrier fiber-optic cable system linking the continental United States, Canada, the United Kingdom and Ireland.

HB Atlantic, a Washington state corporation, is a direct, wholly-owned subsidiary of Hibernia NGS Limited (Hibernia NGS), an Irish company. Pursuant to the terms of an Investment Agreement and a Shareholder Agreement, dated July 17, 2014, Murosa, a Luxembourg company, proposes to acquire a direct controlling interest in Hibernia NGS, and thus HB Atlantic, through a three stage transaction. Murosa is a wholly-owned subsidiary of KCK-FHN, Ltd. (KCK-FHN), a Cayman Islands company, which in turn is a wholly-owned subsidiary of KCK, Limited (KCK), a British Virgin Islands company.

In Stage One, on July 17, 2014, Murosa acquired a 27.9% interest in Hibernia NGS. CVC, a Washington state corporation, has a 60.1% controlling interest in Hibernia NGS, and CVC III Hibernia Blocker, Inc. (CV Hibernia), a Delaware investment company, has a 12% interest.

In Stage Two, CVC Hibernia's direct ownership interest in Hibernia NGS will be transferred to Murosa and CVC Hibernia will take an ownership interest in Murosa. Depending on how the debt is financed, CV Hibernia will hold either a 24.5% or 29.1% interest in Murosa, and KCK-FHN will hold the remaining interest of either 75.5% or 70.1% in Murosa. Murosa will hold no more than a 40% interest in Hibernia NGS and CVC will continue to control Hibernia NGS.

In Stage Three, Murosa will increase its ownership in Hibernia NGS to a controlling interest. Specifically, at the end of Stage Three Murosa will hold a 51% interest in Hibernia NGS and CVC will have a 49% non-controlling interest in Hibernia NGS.

At the end of Stage Three, the following individuals and entities will have a ten percent or greater direct or indirect interest in Hibernia NGS and HB Atlantic. CVC will have a 49% interest in Hibernia NGS. CVC is 100% owned by Mr. Kenneth Peterson, a U.S. citizen. Murosa will hold a 51% interest in Hibernia NGS. CV Hibernia will hold either a 24.5% or 29.1% interest in Murosa. Constellation Venture Capital III, L.P. has a 67% interest in CVC Hibernia. KCK-FHN will hold the remaining interest of either 75.5% or 70.1% in Murosa. KCK-FHN is wholly-owned by KCK. KCK is owned by five members of the Clin/Karim Kassar family. Specifically, Jean Francois Clin, a French citizen, has a 42.5% interest in KCK; Radwan Karim Kassar, a Lebanese and French citizen, has a 21.25% interest; Annabel Karim Kassar, a Lebanese and French citizen, has a 21.25% interest; Nael Karim Kassar, a Lebanese and French citizen, has a 10% interest; and, Kamal Karim Kassar, a Lebanese and French citizen, has a 5% interest in KCK.

Applicants state that they will continue to abide by the commitments made in a Letter of Assurance (LOA) dated September 30, 2010, between the predecessor in interest of Hibernia NGS and the Department of Justice, Department of Homeland Security, and the Department of the Defense. A copy of the LOA is publicly available and may be viewed on the FCC website through the International Bureau Filing System (IBFS) by searching for SCL-T/C-20140820-00007 and accessing "Other filings related to this application" from the Document Viewing area.

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).

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.