



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. SCL-00191S

Thursday December 1, 2016

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), 1-888-835-5322 (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: Murosa Development S.A R.L.

TO: GTT Communications, Inc.

Application filed by 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 Murosa S.a.r.l. (Murosa) to GTT Communications, Inc. (GTT). 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, which, in turn, is 51% majority-owned by Murosa, a Luxembourg company that is a wholly-owned subsidiary of KCK Limited (KCK), a British Virgin Islands company. Columbia Ventures Corporation (CVC), a Washington state company, holds the remaining 49% ownership interest in Murosa. Pursuant to the terms of a Share Purchase Agreement (Agreement), dated November 8, 2016, all of the issued and outstanding equity interests in Hibernia NGS will be sold by Murosa and CVC to GTT, a Delaware corporation. Upon consummation of the transaction, Hibernia NGS will become a direct, wholly-owned subsidiary of GTT and HB Atlantic and the other subsidiaries of Hibernia NGS will become indirect wholly-owned subsidiaries of GTT.

The sole GTT shareholder with greater than a 10% equity and voting interest is Universal Telecommunications, Inc. (UTI), a Delaware corporation. UTI owns 18.2% of the equity interests in GTT and is 100% owned, controlled, and managed by Brian Thompson, a U.S. citizen. No other individual or entity will have a ten percent or greater equity or voting interest in UTI or GTT.

Applicants state that HB Atlantic, and its parent company, Hibernia NGS are parties to a September 30, 2010 Letter of Assurance, as amended by a December 15, 2014 Letter of Assurance (2014 LOA). See November 25, 2016 Supplement at 1. The 2014 LOA sets out commitments and undertakings of KCK, Hibernia NGS, and HB Atlantic to the Department of Homeland Security, the Department of Justice, and the Department of Defense, and is a condition on the cable landing license. Following closing of the transaction, Applicants state that HB Atlantic and HB NGS will remain subject to the 2014 LOA. A copy of the 2014 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.

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 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.