



PUBLIC NOTICE

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Thursday March 8, 2018

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.

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.

Submarine Cable Landing License

Application filed by Crosslake Fiber USA LP (CF USA LP) for a license to land and operate in the United States a non-common carrier fiber-optic submarine cable system connecting Toronto, Ontario, with Lockport, New York (Crosslake Fibre cable system).

The Crosslake Fibre system will consist of a single, unrepeated segment across Lake Ontario, with a total length of 58 kilometers. The system will consist of 96 fiber pairs with an initial design capacity of 25 Terrabits per second (Tbps) per fiber pair, for a total of 2,400 Tbps, based on current technology. As an unrepeated system, the Crosslake Fibre cable does not require power feed equipment typically housed in a cable landing station. Instead of a cable station, CF USA LP will construct, own, and operate an equipment hut located near the lakeshore at Burt, New York. In Toronto, Ontario, the fiber pairs will terminate directly at a carrier hotel housing Equinix's TR2 data center.

CF USA LP, a Delaware corporation, will own and operate the U.S.-territory portion of Crosslake Fibre, including that portion of the wet link in the U.S.-territory portion of Lake Ontario and the equipment hut located near the Burt, New York lakeshore. CF USA LP's commonly-controlled Canadian affiliate, Crosslake Fibre ULC, will own and operate that portion of the wet link beyond U.S. territory.

CF USA LP proposes to operate the cable system on a private, non-common carrier basis. CF USA LP states that capacity will not be sold indifferently to the user public, but will be sold in bulk capacity to particular carrier, enterprise, and government customers pursuant to individually-negotiated indefeasible rights of use (IRUs) and capacity leases, the terms of which will vary depending on the characteristics and needs of the particular capacity purchaser. Applicant also states that the Crosslake Fibre System will compete with existing providers' facilities on the U.S.-Canada route, including Zayo, CenturyLink, Hydro One, Bell Canada, GTT, XO Communications, Rogers, and Cogeco.

The 10-percent-or-greater direct or indirect voting and equity interest holders of CF USA LP are: (1) Crosslake Fiber USA LLC (CF USA LLC), a Delaware company, is the general partner of and holds a 100% voting interest in, CF USA LP; (2) Crosslake Fibre LP, a Canadian company, is the sole limited partner of and holds a 100% equity interest in, CF USA LP. Crosslake Fibre LP also holds a 100% voting and equity interest in CF USA LLC; (3) 2608254 Ontario Inc., a Canadian company, is the general partner of and holds a 100% voting and a 0.01% equity interest in, Crosslake Fibre LP; (4) Connect Investments LP (Connect Investments), a Delaware company, is a limited partner of and holds 93.26% equity interest in, Crosslake Fibre LP. Connect Investments also holds a 93.26% equity interest in 2608254 Ontario Inc.; (5) Tiger Infrastructure Partners Fund II Crosslake AIV LP (Tiger), a Delaware company, is a limited partner of and holds a 100% equity interest in, Connect Investments; (6) Tiger Infrastructure Associates GP II LP (Tiger Infra), a Delaware company, is the general partner of and holds a 100% voting interest in, Connect Investments. Tiger Infra is also the general partner of and holds a 100% voting interest and a 1.5% equity interest in, Tiger; (7) Emil Henry VI LLC (Tiger LLC), a Delaware company, is the general partner of and holds a 100% equity interest in, Tiger Infra; (8) Emil W. Henry, Jr. (Emil Henry), a U.S. citizen, is the sole member and manager of and holds a 100% voting and equity interest in, Tiger LLC; (9) District of Columbia Retirement Board (DCRB), a District of Columbia company, is a limited partner of and holds an 18.31% equity interest in, Tiger; (10) CAT Holding, LLC (CAT), a Delaware company, is a limited partner of and holds a 12.85% equity interest in, Tiger; (11) Trust u/a/d December 24, 1985 f/b/o the Issue of Dirk Ziff (CAT Trust), a Florida company, has a 99% voting and equity interest in, CAT; (12) Kiewit Infrastructure Co. (Kiewit), a Delaware company, is a limited partner of and holds a 10.46% equity interest in, Tiger; (13) Kiewit Infrastructure Group, Inc. (Kiewit Group), a Delaware company, holds a 100% voting and equity interest in Kiewit; (14) Kiewit Corporation (Kiewit Corp.), a Delaware company, holds a 100% voting and equity interest in Kiewit Group; (15) Peter Kiewit Sons, Inc. (Kiewit Sons), an employee-owned Delaware company, holds a 100% voting and equity interest in Kiewit Group; and (16) BAE Systems Pension Scheme (BAE Scheme), an English company, is a limited partner of and holds a 31.38% equity interest in, Tiger. No other entity or individual will hold a 10-percent-or-greater direct or indirect voting or equity interest in CF USA LP. The remaining 6.74% equity interest in each of Crosslake Fibre LP and 2608254 Ontario Inc. is held by a mix of Canadian and U.S. investors, including Canadian-citizen management of CF USA LLC.

Applicant agrees to accept and 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 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.