



PUBLIC NOTICE

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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 upon further examination an application is 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 AT&T Corp. (AT&T Corp.) on behalf of the Americas I Consortium for a new cable landing license to allow the continued operation of the Americas I Cable System for an additional 25-year term following the expiration of the current license on September 1, 2019. AT&T filed a supplement to the Application on March 8, 2019, that updates the U.S. Virgin Islands landing station map, and filed two supplements on March 27, and April 12, 2019, that provide additional applicant ownership information.

Americas I is a common carrier fiber-optic submarine cable system that links the U.S. mainland with the U.S. Virgin Islands. The Americas I Cable System was originally licensed in 1993 and commenced service on September 1, 1994. See American Telephone and Telegraph Company, et al., File No. SCL-93-002, Cable Landing License, 8 FCC Rcd 5041 (CCB 1993). (The current file number is SCL-LIC-19921110-00002.) Americas I originally connected the U.S. mainland with the U.S. Virgin Islands, Brazil, Trinidad and Venezuela. The international segments were retired in June 2009. See SCL-LIC-19921110-00002, Actions Taken Under the Cable Landing License Act, 24 FCC Rcd 7051, 7052 (IB 2009).

The Americas I Cable System consists of one segment connecting a cable landing station in Vero Beach, Florida to a cable landing station in Magens Bay, St. Thomas and is 2,013 kilometers in length. It has with two fiber pairs with a current design capacity of 800 gigabits per second (Gbps). The United States terminal points currently operate at up to 430 Gbps of capacity. The cable system capacity has been upgraded six times between 2009 and 2018.

AT&T states that the license renewal will allow the continued operation of an upgraded cable that provides facilities-based competition on the U.S.-Caribbean and U.S.-South American routes as an important connection for other cables (Americas II, Eastern Caribbean Fiber, and Pan Am cables) as well as an alternative to the Americas II and Columbus II cables that link the United States with the U.S. Virgin Islands. The updated system will provide a robust platform to enhance service quality and support increased growth of broadband traffic to help meet the demand for the full range of emerging voice and data services and technologies, including multimedia and Internet services, on the U.S.-Caribbean and U.S.-South America routes. Further, AT&T states that given the massive damage to the U.S. Virgin Islands caused by Hurricane Maria, it is particularly important to maintain reliable communications facilities serving this region.

The Americas I Consortium is comprised of 27 members who are parties to the Americas I Construction and Maintenance Agreement. Most members have a less than 5% interest in the cable and thus are not required to be licensees under the Commission's rules. See 47 CFR § 1.767(h)(2). The following five members will be licensees: (1) AT&T Corp.; (2) Atlantic Telecommunication Operating Company Limited (ATOC); (3) MCI International Inc. (MCII); (4) Servicio di Telecomunicacion di Aruba (SETAR) N.V.; and (5) Sprint Communications Company L.P. (Sprint) (collectively, Applicants). The Applicants will hold the following interests in Americas I:

AT&T Corp. will have a 49.58942% voting and equity interest;

ATOC will have a 0.70329% voting and equity interest;

MCII will have a 17.39646% voting and equity interest (MCI International de Venezuela S.A. aka Verizon Venezuela and Verizon Hawaii International Inc., affiliates of MCII, will hold 0.20802% and 0.11887% interests in Americas I respectively);

SETAR will have a 7.75315% voting and equity interest; and,

Sprint will have a 6.95388% voting and equity interest.

Any member of the consortium may exercise the right to upgrade the system, may transfer its right to use capacity to any of its subsidiaries or affiliates, and may sell private indefeasible rights of use (IRUs) to any licensed non-member.

The ownership and control of the cable landing stations are as follows: (1) AT&T Corp. owns and will continue to operate the cable landing station at Vero Beach, Florida, and (2) AT&T of the Virgin Islands, Inc. (AT&T VI) owns the cable landing station at Magens Bay, St. Thomas, Virgin Island. AT&T Corp. will continue to retain operational authority over the Magens Bay landing facilities. AT&T VI is a 59.10% owned indirect subsidiary of AT&T Corp., and an indirect wholly owned subsidiary of AT&T Inc., the 100% parent of AT&T Corp.

The Americas I parties jointly own landing station equipment, including submarine line terminal equipment, and optical distribution frames, which collectively provide the interface between the submersible cable and each party's terrestrial network. Each cable landing party own the buildings housing the landing station, its network protection equipment and digital cross connects, and its share of jointly-owned facilities.

Applicants request a waiver of section 1.767(h)(1) of the Commission's rules, which requires that "any entity that owns or controls a cable landing station in the United States" shall be applicants for, and licensees on, a cable landing license." 47 C.F.R. § 1.767(h)(1). According to the Applicants, AT&T VI will have no ability to affect significantly the operation of the Americas I, and inclusion of AT&T VI as a joint applicant is not necessary to ensure compliance by the Applicants collectively with the Cable Landing License Act, the Commission's cable landing license rules, or the terms of the cable landing license. According to the Applicants, all personnel who operate the Magens Bay landing station are supervised, directly or indirectly, by AT&T Corp. personnel. AT&T Corp. has and will retain operational authority over the Magens Bay, Virgin Islands cable landing facility and will continue to provide direction to AT&T VI in all matters relating to the Americas I Cable System.

The Applicants propose to continue to operate the cable system on a common carrier basis.

AT&T Corp., a New York company, is a direct, wholly-owned subsidiary of AT&T Inc., a publicly traded Delaware company in which no person or entity holds a ten percent or greater direct or indirect voting or equity interest.

ATOC, a British Virgin Islands company, is a 100% indirectly owned subsidiary of Guyana Telephone and Telegraph Ltd. (GTT), a Guyana company. The ten percent or greater direct and indirect interest holders in ATOC are: (1) Atlantic Teleconnection Holdings Company Limited (ATCH), a British Virgin Islands company (100% voting and equity interest); (2) GTT International Service SRL (GTT SRL), a Barbados company (100% voting and equity interest in ATCH); (3) Guyana Telephone & Telegraph Company Ltd (GTT) (100% voting and equity interest in GTT SRL); (4) ATN International, Inc. (ATNI), a U.S. company (80% voting and equity interest in GTT); (5) Mr. Cornelius B. Prior, a U.S. citizen (24.7% voting and equity interest in ATNI); (6) Blackrock, Inc., a U.S. company (10.2% voting and equity interest in ATNI); (7) Hong

—Kong Golden Telecom Company Limited (HKGT), a Hong Kong company (20% voting and equity interest in GTT); (8) Datang Telecom International (Hong Kong) Co., Ltd. (Datang) (100% ownership of HKGT); and (9) China Academy of Telecommunications Technology (indirectly controls but does not wholly own Datang). No other person or entity holds a ten percent or greater direct or indirect voting or equity interest in ATOC. —

MCII, a Delaware company, is an indirect, wholly-owned subsidiary of Verizon Communications Inc. (Verizon), a U.S. publicly traded company. The ten percent or greater direct and indirect interest holders in MCII are: (1) Verizon Business Network Services, Inc., a U.S. company (100% direct voting and equity interest); (2) MCI Communications Corporation, a U.S. company (100% indirect voting and equity interest); (3) Verizon Business Global LLC, a U.S. company (100% indirect voting and equity interest); and (4) Verizon (100% indirect voting and equity interest). No person or entity holds a ten percent or greater direct or indirect equity or voting interest in Verizon.

SETAR, the incumbent local exchange carrier in Aruba, is wholly-owned by the Government of Aruba. No other person or entity holds a ten percent or greater direct or indirect voting or equity interest in SETAR.

Sprint, a Delaware company, is an indirectly owned subsidiary of Sprint Corporation. The ten percent or greater interest holders in Sprint are: (1) US Telecom, Inc., a U.S. company (approximately 95% voting and equity, with Utelcom, Inc. holding the remaining 5% voting and equity interest); (2) Sprint Communications, Inc., a U.S. company (100% voting and equity interest in US Telecom, Inc. and Utelcom, Inc.); (3) Sprint Corporation (100% of Sprint Communications, Inc.); (4) Starburst I, Inc., a U.S. company (approximately 77% of Sprint Corporation); (5) SoftBank Group Capital Limited, a United Kingdom company (100% voting and equity interest in Starburst I); (6) SoftBank Group Corp., a Japan company (100% voting and equity interest in SoftBank Group Capital Limited); and (7) Mr. Masayoshi Son, a Japan citizen and Chairman and CEO of SoftBank Group Corp. (approximately 21% voting and equity interest in SoftBank Group Corp.). No other person or entity holds a ten percent or greater direct or indirect voting and equity interest in Sprint.

All Applicants agree to accept and abide by the routine conditions specified in section 1.767(g)(1)-(14) of the Commission's rules, 47 C.F.R. §1.767(g)(1)-(14).

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 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, extraordinary circumstances result where Executive Branch agencies petition the Commission to defer action on an application pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may be removed from streamlined processing and 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. 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.