



PUBLIC NOTICE

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Friday May 19, 2023

Non-Streamlined Submarine Cable Landing License Applications Accepted For Filing

The applications listed below have been found, upon initial review, to be acceptable for filing. 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, an 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. These applications are not subject to the streamlined processing procedures set forth in section 1.767 of the Commission's rules. 47 CFR § 1.767.

Unless otherwise specified, filings relating to these applications must be received within 14 days of this notice. 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 CFR § 1.1206.

These applications are being coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules and consistent with procedures established with the Department of State. 47 CFR §1.767(b); see Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (rel. Apr. 19, 2022).

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 ninety (90) days after release of this public notice, unless it determines that additional time is needed. 47 CFR §1.767.

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). 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

Global Crossing Telecommunications, Inc. (GCTI) has filed an application for a new cable landing license to allow the continued operation of the Atlantic Crossing 1 (AC-1) submarine cable system for an additional 25-year term following the expiration of the current license on May 1, 2023. Pursuant to section 1.62 of the Commission's rules, the license shall continue in effect without further action by the Commission until such time as the Commission shall make a final determination with respect to the renewal application. 47 CFR § 1.62(a). GCTI filed supplements on April 12, 2023 and May 5, 2023.

The AC-1 system is a non-common carrier submarine cable system connecting Shirley, New York (also known as the Brookhaven, New York landing station); Sylt, Germany; Beverwijk, Noord-Holland, the Netherlands; and Whitesand Bay, United Kingdom. The cable was originally licensed in 1997. See File No. SCL-LIC-19970506-00003 (previous File No. SCL-97-002), Cable Landing License, 13 FCC Rcd 5961 (IB 1997); File No. SCL-MOD-19971223-00014 (previous File No. SCL-97-002(M)), Modification of Cable Landing License, 13 FCC Rcd 7171 (IB 1998). The AC-1 system commenced service on May 1, 1998. See Letter from Nicholas G. Alexander, Associate General Counsel, CenturyLink, Inc., to Denise Coca, Chief, Telecommunications and Analysis Division, FCC International Bureau (June 6, 2018) (on file in File No. SCL-LIC-19970506-00003); Letter from Nicholas G. Alexander, Associate General Counsel, CenturyLink, Inc., to Denise Coca, Chief, Telecommunications and Analysis Division, FCC International Bureau (August 1, 2018) (on file in File No. SCL-LIC-19970506-00003).

The AC-1 system currently provides 4,600 Gbps of available capacity between the United States and Europe and has a design capacity of 5,600 Gbps. The AC-1 system consists of: (1) Segment A (Brookhaven, New York to Sylt, Germany), which has 4 fibers and a design capacity of 4,000 Gbps and lit capacity of 260 Gbps; (2) Segment B1 (Whitesand Bay, United Kingdom to Beverwijk, Netherlands), which has 4 fibers and no design capacity or lit capacity; (3) Segment B2 (Sylt, Germany to Beverwijk, the Netherlands), which has 4 fibers and a design capacity of 4,000 Gbps and lit capacity of 40 Gbps; and (4) Segment C (Brookhaven, New York to Whitesand Bay, United Kingdom), which has 4 fibers and a design capacity of 5,600 Gbps and lit capacity of 4,600 Gbps.

GCTI requests an additional 25-year term for the continued operation of the AC-1 system. GCTI states that the continued operation of the AC-1 system will benefit customers by continuing to serve as a valuable option for transatlantic capacity, providing competition on these subsea routes.

The equity and voting interests held in the wet infrastructure and common infrastructure are the following: (1) GCTI holds (i) 100% equity and voting interests in the portion in U.S. Territory, and (ii) 45.23% equity and voting interests in the portion in international waters; (2) Fibernet UK Limited holds 54.77% equity and voting interests in the portion in international waters; (3) Lumen Technologies Europe Limited holds 100% equity and voting interests in the portion in United Kingdom Territory; (4) Lumen Technologies Germany GmbH holds 100% equity and voting interests in the portion in Germany Territory; and (5) Lumen Technologies NL B.V. holds 100% equity and voting interests in the portion in the Netherlands Territory.

GCTI, Fibernet UK Limited, Lumen Technologies Europe Limited, Lumen Technologies Germany GmbH, and Lumen Technologies NL B.V. are wholly owned subsidiaries of Lumen Technologies, Inc. (Lumen).

The cable landing stations for the AC-1 system are located in Shirley (Brookhaven), New York; Sylt, Schleswig-Holstein, Germany; Beverwijk, Noord-Holland, the Netherlands; and Whitesands Bay, Cornwall, United Kingdom. The cable landing stations are owned and controlled as follows: (1) GCTI owns and controls the cable landing station in Shirley (Brookhaven), New York; (2) Deutsche Telekom owns and controls the cable landing station in Sylt, Schleswig-Holstein, Germany; (3) KPN owns and controls the cable landing station in Beverwijk, Noord-Holland, the Netherlands; and (4) Lumen Technologies Europe Limited owns and controls the cable landing station in and Whitesands Bay, Cornwall, United Kingdom.

GCTI will continue to operate the AC-1 system as a non-common carrier cable system.

GCTI is a Michigan corporation. The 10% or greater direct or indirect interest holders of GCTI are: (1) Global Crossing North America, Inc. (Global Crossing North America), a New York entity (100% equity and voting interests in GCTI); (2) Global Crossing North American Holdings, Inc. (Global Crossing Holdings), a Delaware entity (100% equity and voting interests in Global Crossing North America); (3) Level 3 Communications, LLC (Level 3 Communications), a Delaware entity (100% equity and voting interests in Global Crossing Holdings); (4) Level 3 Financing, Inc. (Level 3 Financing), a Delaware entity (100% equity and voting interests in Level 3 Communications); (5) Level 3 Parent, LLC (Level 3 Parent), a Delaware entity (100% equity and voting interests in Level 3 Financing); (6) Wildcat Holdco LLC (Wildcat), a Delaware entity (100% equity and voting interests in Level 3 Parent); (7) Lumen, a Delaware entity (100% equity and voting interests in Wildcat); (8) The Vanguard Group, Inc., a Pennsylvania entity (11.15% equity interest and 0.13% voting interest in Lumen, as of December 31, 2022); (9) BlackRock, Inc., a Delaware entity (11.2% equity interest and 10.79% voting interest in Lumen, as of March 31, 2023).

GCTI certifies that it accepts and will abide by the routine conditions specified in section 1.767(g) of the Commission's rules, 47 CFR § 1.767(g).

GCTI states that it does not have any reportable foreign ownership and notes that the Commission generally will only refer an application with foreign ownership to the Executive Branch agencies for their views on any national security, law enforcement, foreign policy, and/or trade policy concerns. See Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership, IB Docket 16-155, Report and Order, 35 FCC Rcd 10927, 10935-36, 1098-41, para. 24 (Executive Branch Review Order); 47 CFR § 1.40001(a)(1). It therefore requests that the Commission exclude the application from referral. The Commission, however, retains the discretion to refer any application where it finds that the specific circumstances of an application require the input of the Executive Branch as part of our public interest determination of whether an application presents national security, law enforcement, foreign policy, or trade policy concerns. See Executive Branch Review Order, 35 FCC Rcd at 10936, para. 24; 47 CFR § 1.40001(a). The Commission has pending before it an application to transfer control of the AC-1 system to Colt Technology Services Group Limited. That application was referred to the Executive Branch and is currently being reviewed by the Committee for the Assessment of Foreign Participation in the United States Telecommunications Service Sector (Committee). See Non-Streamlined Submarine Cable Landing License Applications; Accepted For Filing, File No. SCL-T/C-20221123-00034, Public Notice, Report No. SCL-00403NS (IB Jan. 27, 2023) (referral of application to Executive Branch); Non-Streamlined Submarine Cable Landing License Applications; Accepted For Filing, File No. SCL-T/C-20221123-00034, Public Notice, Report No. SCL-00404NS (IB Feb. 2,

—2023) (Committee notification that it is reviewing the application). Given that the AC-1 is the subject of a current review by the Committee, we —
are exercising our discretion and referring this application to the Executive Branch agencies. Since the Committee is already reviewing the AC-1
system we expect that the Committee will review this application concurrently with its review of the proposed transaction.

REMINDER:

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 47 CFR §§ 1.2001-2003.

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 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.