



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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WASHINGTON D.C. 20554

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**Report No. SCL-00160S**

**Friday February 20, 2015**

## **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.

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](mailto: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.

**Modification**

Application to modify the cable landing license for the South American Crossing cable system (SAC cable system), SCL-LIC-19990823-00015, held by Global Crossing Telecommunications, Inc. (GCTI), to authorize construction and operation of an additional segment extending the existing cable system to Buenaventura, Colombia. The SAC cable system currently links St. Croix, U.S. Virgin Islands, with Fortaleza, Rio de Janeiro and Santos, Brazil; Las Toninas, Argentina; Valparaiso, Chile; Lurin, Peru; and Fort Amador, Panama. The cable is operated on a non-common carrier basis.

The SAC cable system will be connected to Colombia by the insertion of the SAC Colombia spur between the existing Segment H cable stub and a new cable station to be constructed at Punta Bazan in Buenaventura, Colombia. The SAC Colombia spur will have a design capacity of 4.5 Terabits and an initial capacity of 400 Gbps. Level 3 Colombia will own the new cable station in Buenaventura, Colombia and Segment H extending from Buenaventura to a branching unit off the Colombian coast. GCTI will continue to own the cable station in St. Croix and the portion of SAC extending from St. Croix to a point one-half mile beyond the limit of the U.S. territorial sea. The remaining portions of SAC in international waters or in the territorial seas of Argentina, Brazil, Panama, and Peru will continue to be owned by other wholly-owned, indirect subsidiaries of Level 3 Parent.

GCTI is a wholly-owned, indirect subsidiary of Level 3 Communications, Inc. (Level 3 Parent). Southeastern Asset Management, Inc. (SAM) will hold sole or shared voting rights for approximately 16.5% of outstanding shares of Level 3 that are owned by other entities for whom SAM acts as an investment advisor. None of SAM's owners holds a ten percent or greater direct or indirect equity or voting interest in Level 3 Parent. STT Crossing Ltd, a Mauritius holding company, will own approximately 16.3% of Level 3 Parent. STT Crossing is a wholly-owned, indirect subsidiary of Temasek Holdings (Private) Limited, a Singapore investment holding company. Temasek is wholly owned by the Government of Singapore through the Minister of Finance.

GCTI agrees to accept and abide by the routine conditions set out in section 1.767(g) of the Commission's rules, 47 C.F.R. § 1.767(g).

GCTI requests that the Commission condition grant of the modified authority on GCTI's continued compliance with the September 26, 2011 agreement between Level 3 Communications, Inc. and the U.S. Department of Defense, Homeland Security and Justice. The September 26, 2011 agreement may be viewed on the FCC's website through the International Bureau Filing System (IBFS) by searching for SCL-MOD-20150129-00002 and accessing the "Other Filings related to this application" from the Document Viewing Area.

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Transfer of Control

**Current Licensee:** Pacnet Services (USA) Inc.

**FROM:** Pacnet International Limited

**TO:** Telstra Holdings Pty Limited

Application filed for consent to the transfer of control of the cable landing license for the Unity Cable System, SCL-LIC-20080516-00010, held by Pacnet Services USA Inc. (Pacnet Services), from Pacnet International Limited (Pacnet International) to Telstra Holdings Pty Limited (Telstra Holdings). The Unity Cable System is a non-common carrier fiber-optic cable system connecting the continental United States and Japan. Pacnet, Ltd., the 100% indirect parent of Pacnet Services, holds a 40% participation, equity and voting interests in the Unity Cable System. Pacnet Services hold's Pacnet Ltd.'s interests in the portions of the Unity Cable System located in U.S. territorial waters, including the U.S. cable landing station.

Pacnet Services, a Delaware corporation, is an indirect, wholly-owned subsidiary of Pacnet Ltd. Pacnet International holds, on a direct basis, a 90.164% ownership interest in Pacnet Ltd. Both Pacnet International and Pacnet Ltd. are Bermuda holding companies.

Pacnet International and Pacnet Ltd. entered into a Merger Agreement, dated December 22, 2014, with Telstra Holdings and Bedrock Holdings (Bermuda) Limited (Bedrock), a direct, wholly-owned subsidiary of Telstra Holdings formed solely for the purpose of the merger transaction. Pursuant to the Merger Agreement, as part of a larger transaction, Bedrock will merge into Pacnet Ltd. and Pacnet Ltd. will be the surviving entity. As a result of the transaction, Telstra Holdings will acquire a 100% direct ownership interest in Pacnet Ltd., and Pacnet Services will become a wholly-owned, indirect subsidiary of Telstra Holdings.

Telstra Holdings, an Australia holding company, is a direct, wholly-owned subsidiary of Telstra Corp., a publicly-traded Australia company. The following companies hold ten percent or greater ownership interests in Pacnet Services through Telstra Corp.: (1) HSBC Custody Nominees (Australia) Limited, an Australia asset management company (15.48% ownership interest and 15.48% voting interest), (2) J.P. Morgan Nominees Australia Ltd., an Australia asset management company (12.26% ownership interest and 12.26% voting interest), and (3) National Nominees Limited, an Australia asset management company (11.96% ownership interest and 11.96% voting interest). No other individual or entity will have a ten percent or greater equity or voting interest in Pacnet Services.

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).

Applicants request that the Commission condition approval of this application on Pacnet Services' compliance with the provisions of a November 29, 2001 Agreement by and between Reach Ltd., Telstra Corporation Limited, and Pacific Century CyberWorks Limited, on the one hand, and the Federal Bureau of Investigation and the U.S. Department of Justice on the other hand (November 29, 2001 Agreement) and the January 8, 2007 amendment making the Department of Homeland Security a party to the November 29, 2001 Agreement (January 8, 2007 Amendment). Copies of the November 29, 2001 Agreement and the January 8, 2007 Amendment are publicly available in the record of this proceeding and may be viewed on the FCC web-site through the International Bureau Filing System (IBFS) by searching for SCL-T/C-20150202-00004 and accessing the "Attachment Menu" from the Document Viewing area.

Applicants also note that the Unity Cable System has an agreement, dated September 21, 2009, between GU Holding, one of the U.S. licensees and U.S. cable station operator on the Unity Cable System, and the Department of Homeland Security (DHS) (Unity Cable Security Agreement). The Commission granted the cable landing license on the condition that GU Holdings abide by the commitments contained in the Unity Cable Security Agreement. See SCL-LIC-20080516-00010, DA 09-2188, 24 FCC Rcd 12489 (Int'l Bur. 2009).

## 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](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](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.