

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Tampnet Inc.)	
)	File No. ISP-PDR-2015-_____
Petition for Declaratory Ruling Under Section)	
310(b)(4) of the Communications Act of 1934, as)	
amended)	

PETITION FOR DECLARATORY RULING

Tampnet Inc. (“Tampnet”), pursuant to Section 1.990 *et seq.* of the Federal Communications Commission (“Commission”) rules, hereby requests that the Commission issue a declaratory ruling under Section 310(b)(4) of the Communications Act, as amended (the “Act”), finding that 100 percent indirect foreign ownership of Tampnet Licensee LLC (“Tampnet Licensee”), a wholly owned subsidiary of Tampnet, and any of Tampnet’s subsidiaries and affiliates, whether currently existing or subsequently formed or acquired, is in the public interest. This petition is being submitted in connection with an application seeking the Commission’s consent to modify the regulatory status of microwave licenses held by Tampnet Licensee from private to common carrier. Because Tampnet Licensee is 100 percent indirectly owned by a foreign entity, this change in regulatory status requires the Commission’s approval under Section 310(b)(4) of the Act.

I. BACKGROUND

On August 1, 2014, Tampnet, the parent of Tampnet Licensee, consummated a transaction in which it acquired a non-common carrier wireless service and 38 private carrier microwave licenses (the “Licenses”) from AirTap Communications, LLC.¹ Because the Licenses acquired from AirTap were not operated on a common carrier basis, Section 310(b) was not implicated when the Commission approved Tampnet’s acquisition of the Licenses in 2014.

¹ See ULS File No. 0006297445 (FCC Form 603 seeking Commission consent to the assignment of thirty-seven Microwave Industrial/Business Pool licenses and one 3650-3700 MHz license) (action date Aug. 13, 2014).

Prior to filing this petition Tampnet assigned the Licenses to Tampnet Licensee through a *pro forma* assignment, which was consummated on May 1, 2015.² Contemporaneous with this petition Tampnet Licensee is filing an application to modify the microwave Licenses it holds to change the regulatory status of those licenses from private to common carrier. Upon the grant of the application, Tampnet Licensee will be the holder of the reclassified common carrier microwave Licenses, which, as described below, requires the Commission's approval under Section 310(b)(4) of the Act because Tampnet Licensee is 100 percent indirectly owned by Tampnet AS, a Norwegian limited liability company.

II. INFORMATION REQUIRED BY 47 C.F.R. § 1.991

A. Applicant Information

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Tampnet is a corporation organized under the laws of the state of Delaware.

Attached as Exhibit A is the certification of Per Helge Svensson, Tampnet's President, certifying the information contained in the petition.

B. Legal Counsel

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² See ULS File No. 0006787088 (FCC Form 603 seeking Commission consent to the *pro forma* assignment of thirty-eight Microwave Industrial/Business Pool licenses and one NN – 3650-3700 MHz non-common carrier license).

C. Applicant’s Authorized Radio Services

Tampnet, through Tampnet Licensee, currently holds one NN – 3650-3700 MHz non-common carrier license and 38 MG - Microwave Industrial/Business Pool private microwave licenses. As described herein, concurrent with the filing of this petition, Tampnet is also filing with the Commission a request to convert the private carrier MG - Microwave Industrial/Business Pool microwave licenses to common carrier status.

D. Type of Declaratory Ruling Requested

Tampnet is requesting a declaratory ruling under Section 310(b)(4) of the Act and Section 1.990(a)(1) of the Commission’s rules. Additionally, pursuant to Section 1.994(a)(1), Tampnet is also requesting that any declaratory ruling issued apply to all of Tampnet’s subsidiaries and affiliates, whether currently existing or subsequently formed or acquired.

E. Ownership Interests

Tampnet Licensee is a wholly-owned subsidiary of Tampnet, a United States corporation. Tampnet uses these licenses to operate a high speed, multi-point broadband network in the Gulf of Mexico and adjacent coastal areas to provide communications services to customers on a non-common carrier basis in the energy industry.

Tampnet is a wholly-owned subsidiary of Tampnet AS (“Tampnet AS”), a Norwegian limited liability company that provides low latency, high capacity communication services to offshore installations in parts of the North Sea adjacent to Norway and the United Kingdom. Tampnet AS provides service to over 100 oil and gas platforms, floating production storage and offloading units and exploration rigs utilizing fiber backbone cables, radio links and LTE (4G) technology.

Tampnet AS is a wholly owned subsidiary of Brent Invest AS, a limited company organized under the laws of Norway. Brent Invest AS is a wholly owned subsidiary of Brent Holding AS, a limited company organized under the laws of Norway. Brent Holding AS is a subsidiary (94.92% owned) of Brent Infrastructure I BV, a limited liability company organized under the laws of the Netherlands. Brent

Infrastructure I BV is a 50-50 joint venture of EQT Infrastructure Limited (“Infra I”), a limited company organized under the laws of Guernsey, and EQT Infrastructure II Limited Partnership (“Infra II”), a limited partnership organized under the laws of England and Wales.

Infra I’s investment in Brent Infrastructure I BV is held through Brent Infrastructure I Sàrl, which has a 50% direct ownership interest in Brent Infrastructure I BV. Brent Infrastructure I Sàrl, a limited liability company organized under the laws of Luxembourg, is a wholly owned subsidiary of Brent Holding Guernsey Limited, a limited company organized under the laws of Guernsey. Infra I has a 98.65% direct ownership interest in Brent Holding Guernsey Limited.

Infra II’s investment in Brent Infrastructure I BV is held through Brent Infrastructure II SA, which has a 50% direct ownership interest in Brent Infrastructure I BV. Brent Infrastructure II SA, a corporation organized under the laws of Luxembourg, is a wholly owned subsidiary of Brent Infrastructure Holding BV, a limited liability company organized under the laws of the Netherlands. Brent Infrastructure Holding BV is a wholly owned subsidiary of Brent Infrastructure II Holding Sàrl, a limited liability company organized under the laws of Luxembourg. Infra I has a 98.86% direct ownership interest in Brent Infrastructure II Holding Sàrl.

No investor holds a 10% or greater interest (equity or voting) in Infra I or Infra II. Attached as Exhibit B is a chart illustrating the relationship of these entities and ownership structure of the petitioner, Tampnet.

III. GRANT OF THIS PETITION IS IN THE PUBLIC INTEREST

The public interest will be served by the Commission issuing a declaratory ruling approving the indirect foreign ownership of Tampnet Licensee. The Commission has recognized that foreign investment has been and will continue to be an important source of financing for U.S. telecommunications companies, fostering technical innovation, economic growth, and job creation.³ For more than a decade, the Commission has consistently permitted non-U.S. individuals and entities to hold

³ See *Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Second Report and Order, 28 FCC Rcd 5741 at 5744 (2013) (“2013 Foreign Ownership Order”).

up to 100 percent of the equity and voting power in holders of FCC licenses subject to Section 310(b)(4) of the Act.⁴

Moreover, there is no basis to conclude that the potential foreign ownership of the Licenses, after conversion from private carrier to common carrier, will harm competition in the Gulf of Mexico area. No adverse circumstances exist with respect to the proposed transaction. Operation of the Licenses on a common carrier basis (and attendant foreign ownership) will not pose any national security or law enforcement issues or concerns. Nor will conversion of the Licenses (and attendant foreign ownership) result in any increased concentration in any market for telecommunications services in the United States, and will not otherwise result in a foreign carrier being able to exercise market power to favor a U.S. affiliate.

In fact, grant of the petition for declaratory ruling will affirmatively advance the public's interest and increase competition as it will provide Tampnet greater operational flexibility to market its services on a common carrier basis, and thereby reach additional customers. That, in turn, will further strengthen Tampnet's ability to provide a variety of innovative wireless products and services in the Gulf of Mexico to serve the unique needs of customers in that area. For example, Tampnet's parent, Tampnet AS, has introduced an offshore 4G LTE network in the North Sea to provide mobile and rotating rigs and vessels reliable communication links, even in rough weather. Tampnet is planning to introduce a similar LTE network in the Gulf of Mexico. This will benefit users in the Gulf of Mexico because LTE has lower latency and higher capacity compared to the existing infrastructure, which will promote the safety of operations in the area. Additionally, the licenses are already indirectly held by Tampnet AS and there will be no change in ownership.

Thus, issuance of the requested declaratory ruling will allow Tampnet to continue to be a positive force in the Gulf of Mexico wireless marketplace, to the benefit of the public.

⁴ See, e.g., *Intelsat, Ltd., Transferor, and Zeus Holdings Ltd., Transferee*, 19 FCC Rcd 24820 (2004); *Applications of Comsat General Corporation*, 19 FCC Rcd 21216 (2004); *Voicestream Wireless Corporation*, 16 FCC Rcd 9779 (2001).

IV. CONCLUSION

For the reasons set forth herein, Tampnet respectfully requests that the Commission issue a declaratory ruling that the public interest will be served by authorizing 100 percent indirect foreign ownership structure for Tampnet Licensee and all of Tampnet's subsidiaries and affiliates, whether currently existing or subsequently formed or acquired.

Respectfully submitted,



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Date: May 7, 2015

List of Exhibits

Exhibit A Certification of Per Helge Svensson

Exhibit B Ownership Structure

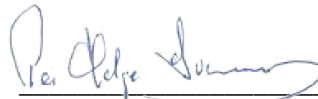
EXHIBIT A
Certification of Per Helge Svensson

Certification of Per Helge Svensson

I, Per Helge Svensson do hereby certify under penalty of perjury under the laws of the United States of America that:

1. I am President of Tampnet Inc., have been authorized by that company's Board of Directors to submit this certification on behalf of that company;
2. I have read the foregoing Petition for Declaratory Ruling ("Petition") and am generally familiar with its contents;
3. With respect to statements made in the Petition, other than those of which official notice can be taken, the facts contained therein are true and correct to the best of my personal knowledge, information, and belief; and
4. To the best of my knowledge information and belief, the levels of foreign ownership presented in the Petition were calculated in accordance with the requirements set forth in section 1.992 of the Commission's rules as implemented by the FCC's Second Report and Order on Foreign Ownership Policies. *See Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as amended*, Second Report and Order, 28 FCC Rcd 5741 (2013).

Executed on May 1, 2015.



Per Helge Svensson

EXHIBIT B
Ownership Structure

