

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

In the Matter of)	
)	
Amper, S.A., Transferor)	File No. SCL-T/C-20161220-00026
)	ITC-T/C-20161220-00377
and)	SES-T/C-20161220-00964
Amalgamated Telecom Holdings Limited,)	SES-T/C-20161220-00965
Transferee)	ISP-PDR-20161220-00011
)	IB Docket No. 16-420
Application for Consent to Transfer Control)	ULS File No. 0007584554
of the Cable Landing License for the)	
American Samoa-Hawaii Cable System)	
)	

**PETITION TO ADOPT CONDITIONS TO
AUTHORIZATIONS AND LICENSES**

The Department of Homeland Security (“DHS”), with the concurrence of the Department of Justice (“DOJ”) and the Department of Defense (“DOD” and, together with DHS and DOJ, the “Agencies”), submits this Petition to Adopt Conditions to Authorizations and Licenses (“Petition”), pursuant to Section 1.41 of the Federal Communications Commission (“Commission”) rules.¹ Through this Petition, DHS advises the Commission that the Agencies have no objection to the Commission approving the authorities sought in the above-referenced proceedings provided that the Commission: 1) removes an existing condition with respect to FCC File No. SCL-LIC-20080814-00016; and 2) conditions its approval with respect to FCC File No. SCL-LIC-20080814-00016 (regarding the transfer of control of a fiber optic submarine cable system connecting the United States, America Samoa and Independent Samoa (“American Samoa Hawaii Cable System”)) on the commitment of Amalgamated Telecom Holdings Limited (“ATH”) to abide by the undertakings set forth in the May 7, 2018 Letter of Assurances (“2018

¹ 47 C.F.R. § 1.41.

LOA”), which is attached hereto as Attachment A.

The Commission has long recognized that law enforcement, national security, and public safety concerns are part of its public interest analysis, and has accorded deference to the views of other U.S. government agencies with expertise in those areas. *See In the Matter of Comsat Corporation d/b/a Comsat Mobile Communications, etc.*, 16 FCC Rcd. 21,661, 21707 ¶ 94 (2001).

After discussions with representatives of ATH, Amper S.A., and several entities owned or controlled by Amper (American Samoa Hawaii Cable, LLC, Samoa American Samoa Cable, LLC, American Samoa License, Inc., and AST Telecom, LLC d/b/a Blue Sky Communications) in connection with the above-referenced proceedings, DHS has concluded that the commitments set forth in the 2018 LOA will help ensure that those agencies with responsibility for enforcing the law, protecting the national security, and preserving public safety can proceed appropriately to satisfy those responsibilities. The Agencies have also determined that a 2011 Agreement among American Samoa Hawaii Cable, LLC, Samoa American Samoa Cable, LLC, American Samoa License, Inc., AST Telecom, LLC d/b/a Blue Sky Communications, DHS, and DOJ, relating to the American Samoa Hawaii Cable System, can be terminated and removed as a condition on the underlying cable landing authorization. A mutually-agreed Termination Agreement is attached hereto as Attachment B.

Accordingly, DHS, with the concurrence of DOJ and DOD, advises the Commission that it has no objection to the Commission granting the applications in the above-referenced proceedings provided that the Commission removes the existing condition attached to the undersea cable license at issue and conditions its consent with respect to FCC File No. SCL-LIC-20080814-00016 on compliance by ATH with the 2018 LOA.

Respectfully submitted,

/S/ J. Philip Ludvigson
J. Philip Ludvigson
U.S. Department of Homeland Security
Director (Acting) – Foreign Investment Risk Management
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May 25, 2018

Attachment A (2018 Letter of Assurances)

Attachment B (2018 Termination Agreement)