

ATTACHMENT 1:

REQUEST FOR SPECIAL TEMPORARY AUTHORITY

American Samoa License, Inc. (“ASLI,” FRN 0001843432) respectfully requests Special Temporary Authority (“STA”) pursuant to 47 C.F.R. § 63.25 for temporary authority for the continuing provision of facilities-based and resale services between the United States and the Cook Islands following the consummation by ASLI’s direct parent company, AST Telecom, LLC d/b/a Blue Sky Communications (“Blue Sky”), of an acquisition of a controlling interest in Telecom Cook Islands Limited (“TCIL”) and during the pendency of ASLI’s foreign carrier affiliation notification filed concurrently and pursuant to 47 C.F.R. § 63.11(a)(1). ASLI currently holds both global facilities-based and global resale international Section 214 authority authorizing it to provide service on the U.S.-Cook Islands route.¹ ASLI seeks temporary authority of no more than six months pending Commission action on the parallel foreign carrier affiliation notification filed today.

1. Background

TCIL is the incumbent carrier in the Cook Islands, a self-governing South Pacific nation in free association with New Zealand. Presently, TCIL has more than 50-percent market share in each of the Cook Islands’ international transport, intercity, and local access markets.

Consequently, ASLI does not qualify for post-consummation notification of the foreign carrier affiliation notification pursuant to 47 C.F.R. § 63.11(b).

¹ See FCC File Nos. ITC-214-19981207-00860 (global or limited global facilities-based service) and ITC-214-19980918-00671 (global resale service).

Blue Sky's indirect subsidiary, Teleraro Limited ("Teleraro") was the prevailing bidder in an auction conducted by Spark New Zealand Limited ("Spark," formerly known as Telecom New Zealand Limited) to sell its 60-percent interest in TCIL. On February 23, 2015, Teleraro consummated its acquisition of Spark's interest in TCIL (the "Acquisition Transaction"). Teleraro holds its interest in TCIL through its wholly-owned subsidiary, TCNZ Cook Islands Limited.

ASLI regrets that it was unable to notify the Commission more than 45 days in advance of the consummation of the Acquisition Transaction, as otherwise required by 47 C.F.R. § 63.11(a)(1). The consummation of the transaction was uncertain until one week prior to the closing.

As demonstrated at length in the concurrently-filed foreign carrier affiliation notification, ASLI believes that its continuing authority to provide service on the U.S.-Cook Islands route would serve the public interest as required by 47 C.F.R. § 63.11(g)(2):

- Blue Sky's ownership of TCIL will enhance the quality and efficiency of telecommunications services on the U.S.-Cook Islands route;
- The Cook Islands telecommunications market remains open to U.S. investment (as evidenced by the Acquisition Transaction itself);
- The combination of TCIL and Blue Sky does not threaten competition in services on the U.S.-Cook Islands route; and
- The Commission has ample tools to mitigate other potential public-interest harms, of which ASLI believes there are none.

2. Immediate Application of Pro-Competitive Safeguards

To provide the Commission with further assurance during the pendency of ASLI's foreign carrier affiliation notification, ASLI agrees to comply with the dominant carrier safeguards and reporting requirements in 47 C.F.R. § 63.10(c) effective immediately. ASLI also agrees to comply with the "no special concessions" rule in 47 C.F.R. § 63.14(a).

3. STA Grant Would Serve the Public Interest

The Commission's grant of this STA would also serve the public interest by enhancing the potential for high-quality and efficient U.S.-Cook Islands telecommunications. As noted in the parallel foreign carrier affiliation notification filed today, ASLI does not currently provide service on this route.

Accordingly, ASLI respectfully requests grant of this STA request for the interim period until the Commission acts on the underlying foreign carrier affiliation notification. ASLI acknowledges that grant of this request will not prejudice action by the Commission on the underlying notification and that any authority granted pursuant to this request is subject to cancellation or modification upon notice but without a hearing.