

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

In the Matter of)	
)	
Amper S.A.; eLandia International, Inc.;)	File Nos.
Pete R. Pizzaro)	SCL-T/C-20101022-00024;
)	SCL-T/C-20101022-00025;
Application to transfer control of a)	SCL-T/C-20101022-00026;
submarine cable landing license under the)	ITC-T/C-20101025-00425
Cable Landing License Act of 1921 and)	
Executive Order No. 10530)	
)	
Application to transfer control of)	
authorization granted pursuant to Section)	
214 of the Communications Act of 1934)	

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

The Department of Justice (“DOJ”) and the Department of Homeland Security (“DHS”)(“the Agencies”) submit 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, the Agencies advise the Commission that they have no objection to the Commission approving the authority sought in the above-referenced proceedings, provided that the Commission conditions its approval on the assurance of Amper S.A. (“Amper”), eLandia International, Inc. (“eLandia”), and Pete R. Pizzaro (referred to herein collectively as the “Applicants”) to abide by the commitments and undertakings set forth in the February 2, 2011 National Security Agreement (“Agreement”) entered into by Amper, eLandia, and certain subsidiaries of eLandia (AST Telecom, LLC d/b/a Blue Sky Communications, American Samoa License, Inc., American Samoa Hawaii Cable, LLC, and Samoa American Samoa Cable, LLC), as well as the February 1, 2011 letter from Amper and eLandia to the

¹ 47 C.F.R. § 1.41.

Agencies and the Commission, both attached hereto.

In the above-referenced proceedings, the Applicants petitioned the Commission to transfer control to Amper of a submarine cable landing license issued pursuant to the Cable Landing License Act of 1921² and Executive Order No. 10530³ (FCC File Nos. SCL-T/C-20101022-00024, SCL-T/C-20101022-00025, and SCL-T/C-20101022-00026) and authorizations granted pursuant to Section 214 of the Communications Act of 1934, as amended, to land, construct and operate a fiber-optic submarine cable system between the United States and the Independent State of Samoa (FCC File No. ITC-T/C-20101025-00425).

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).

² Pub. Law No. 8, 67th Congress, 42 Stat. 8 (1921); 47 U.S.C. § 34-39.

³ Exec. Ord. No. 10530 § 5(a) (May 10, 1954), reprinted as amended in 3 U.S.C. § 301.

After discussions with representatives of the Applicants in connection with the above-referenced proceedings, the Agencies have concluded that the additional commitments set forth in the Agreement and February 1, 2011 letter will help ensure that the Agencies with responsibility for enforcing the law, protecting the national security, and preserving public safety, can proceed appropriately to satisfy those responsibilities. Accordingly, the Agencies advise the Commission that they have no objection to the Commission granting the applications in the above-referenced proceedings, provided that the Commission conditions its consent on compliance by the Applicants with the Agreement and the February 1, 2011 letter.

Respectfully submitted,

/S/ Shawn Cooley

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