



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
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**Report No. SCL-00170S**

**Thursday December 3, 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), 1-888-835-5322 (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.

## Submarine Cable Landing License

Application filed by Microsoft Infrastructure Group, LLC (MIGL), Microsoft Operations Pte Ltd (MOPL), China Mobile International Limited (CMI), China Telecommunications Corporation (China Telecom), China United Network Communications Group Company Limited (China Unicom), Chunghwa Telecom Co., Ltd. (Chunghwa), and KT Corporation (KT) (together, the "Applicants") for a license to land and operate a non-common carrier fiber-optic submarine cable network connecting the continental United States, China, Japan, the Republic of Korea, and Taiwan (New Cross-Pacific ("NCP") cable system).

The NCP cable system will total 13,000 kilometers in length. The NCP cable system will be a high capacity digital fiber-optic cable system with an initial configuration capacity of 1.2 terabits per second (Tb/s), and a total design capacity of 70 Tb/s using 100 gigabit wavelength technology. Construction has not yet begun for the NCP cable system, but the Applicants expect the cable system to enter into commercial service in the fourth calendar quarter of 2017.

The cable system will consist of six segments, with up to seven optical fiber pairs per segment. The NCP cable system, along with associated cable landing stations, will consist of the following: (1) Segment 1 will connect China Telecom's existing cable landing station at Chongming, China, with MIGL's planned cable landing station at Pacific City, Oregon. Segment 1 includes five subsegments, demarcated by the cable landing stations in Chongming, China and Pacific City, Oregon, and Branch Units 1 through 4; (2) Segment 2 consists of two terrestrial segments, with Segment 2.1 connecting the beach manhole at Chongming, China, with CMI's terrestrial cable landing station that is currently under construction at Lingang, China, and Segment 2.2 connecting CMI's terrestrial cable landing station at Lingang, China, with a beach manhole at China Unicom's existing cable landing station at Nanhui, China; (3) Segment 3 will connect China Unicom's existing cable landing station at Nanhui, China, with Branch Unit 1; (4) Segment 4 will connect Branch Unit 2 with KT's existing cable landing station at Busan, Korea; (5) Segment 5 will connect Branch Unit 3 with Chunghwa's existing cable landing station at Toucheng, Taiwan; and (6) Segment 6 will connect Branch Unit 4 with an existing cable landing station at Maruyama, Japan that is owned and operated by SoftBank Mobile Corp. (SoftBank).

The NCP cable system is a consortium system owned by eight members. The basic infrastructure, the entire wet segment of the NCP cable system, will be owned in fractional interests by 7 consortium members, with MOPL, CMI, China Telecom, China Unicom, Chunghwa, and KT each holding a 16.6634% participation interest and a 16.6634% voting interest, and SoftBank holding a 0.0196% participation interest and a 0.0196% voting interest. MIGL will lease and control the cable landing station located at Pacific City, Oregon, and will hold no ownership or voting interest in any segment of the NCP cable system. CMI, China Telecom, China Unicom, Chunghwa, KT, and SoftBank will own and operate the cable landing stations located in China, Korea, Taiwan and Japan. MOPL does not own, control, or lease a cable station in the NCP cable system.

The Applicants propose to operate the cable system on a non-common carrier basis. They state that the NCP cable system will enhance competition by competing vigorously with other existing submarine cable systems (China-US, Trans-Pacific Express, Pacific-Crossing-1, TGN Pacific, Unity) as well as the planned FASTER cable system on the U.S.-China, U.S.-Korea, U.S.-Taiwan, and U.S.-Japan routes. In addition, the Applicants state that the NCP cable system will further benefit the public interest by providing transmission technologies to satisfy escalating bandwidth demands for new applications and services, particularly to access Internet content stored in the U.S. Further, the Applicants claim that NCP will provide critical connectivity between the U.S. and its trading partners in China, Japan and Korea, and add a more resilient network system across the Pacific. The Applicants state that they will not sell capacity indifferently to the user public. Instead, they will sell bulk capacity to particular users - including carriers, Internet service providers, enterprises, and educational institutions - pursuant to individually negotiated indefeasible rights of use (IRUs) and capacity leases, the terms of which will vary depending on the characteristics and needs of the particular capacity purchaser.

MIGL, a limited liability Washington State corporation, will lease and control the U.S. cable landing station. MIGL is a wholly-owned direct subsidiary of Microsoft Corporation (Microsoft), a Delaware corporation whose shares trade publicly on the U.S. NASDAQ Stock Market. Microsoft has no 10-percent-or-greater direct or indirect shareholders.

MOPL, a Singapore company, will own and operate the NCP cable system. MOPL, a Singapore company, is 100% owned by Microsoft Singapore Holdings Pte Ltd (MSHPL), a Singapore company, which, in turn, is 100% owned by Microsoft. Microsoft has no 10-percent-or-greater direct or indirect shareholders.

CMI, a Hong Kong corporation, manages and operates the international business of China Mobile Limited (CML), of which it is a wholly-owned, indirect subsidiary. CMI's ten-percent-or-greater direct or indirect interest holders are: (1) China Mobile International Holdings Limited (CMIHL), a Hong Kong investment holding company (100% direct ownership interest in CMI), (2) CML, a Hong Kong company (100% direct ownership interest in CMIHL and 100% indirect ownership interest in CMI), (3) China Mobile Hong Kong (BVI) Limited (CMHK-BVI), a British Virgin Islands investment holding company (72.72% direct ownership interest in CML and 72.72% indirect ownership interest in CMI), (4) China Mobile (Hong Kong) Group Limited (CMHKG), a Hong Kong investment holding company (100% ownership interest in CMHK-BVI and 72.72% indirect ownership interest in CMI), and (5) China Mobile Communications Corporation (CMCC), a People's Republic of China investment holding company (100% ownership in CMHKG, and 72.72% indirect ownership in CMI). CMCC is 100% owned by the Chinese Government and subject to the supervision of the State-Owned Assets Supervision and Administration Commission (SASAC) of the State Council of the People's Republic of China. No other individual or entity owns 10 percent or more of CMI's shares.

China Telecom, a Chinese corporation, provides fixed-line telephone service, mobile service Internet access service and information services. China Telecom is wholly-owned by the Chinese government through SASAC of the State Council of China.

China Unicom, a Chinese corporation, provides fixed-line telephone services, broadband and other Internet-related services, business and data communications services and international voice and data services. The Chinese Government directly owns 96.5 percent of China Unicom.

Chunghwa, a Taiwan corporation, provides integrated telecommunications services. Chunghwa's shares are publicly-traded on the Taiwan Stock Exchange and the New York stock exchange. Its ten-percent-or-greater direct or indirect interest holder is the Ministry of Transportation and Communications (MOTC). The Taiwanese Government through the MOTC directly owns 35.29% of Chunghwa. In addition to the shares held through MOTC, the Government of Taiwan through other entities holds and additional 4.61% of Chunghwa's shares, bringing in the total interest of the Taiwanese Government to 39.9% percent, as of March 31, 2015. No other individual or entity owns 10 percent or more of Chunghwa's shares.

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KT a Korea corporation, provides integrated telecommunications services in Korea. KT's shares are publicly-traded on the Korea stock exchange, the New York stock exchange, and the London stock exchange. No individual or entity owns 10 percent or more of KT's shares.

SoftBank Mobile Corp., a Japan corporation, is a telecommunications subsidiary of SoftBank Group. Although SoftBank is a member of the NCP consortium and will own and operate a cable landing station in Japan, SoftBank is not a joint applicant because it owns less than a 5 percent interest in the NCP cable system and does not own or control a U.S. cable landing station for the NCP cable system. See 47 C.F.R. §1.767(h)(1)(2).

CMI, China Telecom, China Unicom, Chunghwa, and KT are foreign carriers in their home countries and are affiliated with foreign carriers that are presumed to have market power in China, Korea, or Taiwan. They each agree to accept and abide by the reporting requirements in section 1.767(l), 47 C.F.R. § 1.767(l), for the U.S.-China route, the U.S.-Korea route, and the U.S.-Taiwan route.

All Applicants agree to abide by the routine conditions specified in section 1.767(g) of the Commission's rules, 47 C.F.R. § 1.76

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**SCL-T/C-20151104-00028**      E                      Cedar Cable Ltd.

Transfer of Control

**Current Licensee:**      Cedar Cable Ltd.

**FROM:** KeyTech Limited

**TO:**      Atlantic Tele-Network, Inc.

Application for consent to transfer of control of the interest in the cable landing license for the CB-1 cable system (CB-1 System), SCL-LIC-20080603-00011, held by Cedar Cable Ltd. (Cedar Cable), from KeyTech Limited (KeyTech) to Atlantic Tele-Network, Inc. (ATN). The CB-1 System is a non-common carrier fiber-optic cable system linking the continental United States and Bermuda. The U.S. cable landing station for the CB-1 System is owned and controlled by Verizon Business which is not affected by this proposed transaction.

KeyTech, a publicly-traded company on the Bermuda stock exchange, wholly-owns Cedar Cable on an indirect basis through Chancery Holdings Limited Bermuda (Chancery), its direct, wholly-owned subsidiary based in Bermuda. On October 5, 2015, KeyTech and its subsidiary, Chancery, entered into an agreement with ATN, a Delaware company, and ATN's wholly-owned subsidiaries (ATN Caribbean Holdings, Ltd. (ATN Caribbean Holdings), an exempted Bermuda company, and ATN Bermuda Holdings, Ltd.), whereby ATN will acquire a 51% indirect, controlling interest in KeyTech and its subsidiaries, including Cedar Cable. The proposed transaction will combine Bermuda Digital Communications, Ltd. (Bermuda Digital Communications, d/b/a CellOne), a mobile provider in Bermuda partially owned by ATN, with KeyTech. Together, ATN and KeyTech currently own 85% of CellOne. As part of the proposed transaction, ATN will contribute its current ownership interest of approximately 43% in CellOne, and additional consideration in cash, in exchange for a 51% ownership interest in KeyTech. ATN Caribbean Holdings will hold the 51% ownership interest in KeyTech which will continue to hold a 100% indirect ownership interest in Cedar Cable.

Upon completion of the transaction, the following individuals and entities will have a 10% or greater direct or indirect ownership interest in KeyTech and Cedar Cable: (1) ATN Caribbean Holdings, Ltd. (51% direct ownership interest in KeyTech and 51% indirect ownership in Cedar Cable through KeyTech), (2) Atlantic Tele-Network, Inc. (ATN) (100% direct ownership interest in ATN Caribbean Holdings, Ltd. and a 51% indirect ownership in KeyTech and Cedar Cable through ATN Caribbean Holdings), (3) Cornelius B. Prior, Jr., a U.S. citizen (28% direct ownership share in ATN and a 14.28% indirect ownership share in KeyTech and Cedar Cable through ATN and ATN Caribbean Holdings), (4) Bermuda First Investment Company (BFIC), a Bermuda company (10.9% direct ownership interest in KeyTech and a 10.9% indirect ownership interest in Cedar Cable), (5) Utilico Investments Limited (Utilico), a Bermuda company (78% direct ownership interest in BFIC and a 10.9% indirect ownership interest in KeyTech and Cedar Cable through BFIC), and (6) General Provincial Life Pension Fund (L) Limited (GPLPF), a Malaysia investment trust company (57% direct ownership interest in Utilico and a 10.9% indirect ownership interest in KeyTech and Cedar Cable through Utilico and BFIC). GPLPF is a holding company for a family trust whose trustees control the entire issued share capital of GPLPF and whose sole beneficiary is Mrs. Carmelita Naomi Roamer, a British investor. No other person or entity will hold a 10% or greater direct or indirect interest in KeyTech or Cedar Cable.

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).

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## 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.

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.