

APPENDIX D:
SERVICIO DI TELECOMUNICACION DI ARUBA (SETAR) N.V.
DISCLOSURES AND CERTIFICATIONS

1. Applicant’s Name, Address, Telephone Number, and Place of Organization⁷⁸

In Table D-1 below, Servicio di Telecomunicacion di Aruba (SETAR) N.V. (“SETAR”) provides its address, telephone number, place of organization, and FCC Registration Number (“FRN”).

Table D-1: Applicant Information

Name, Address, Telephone Number	Place of Organization	FRN
Servicio di Telecomunicacion di Aruba (SETAR) N.V. Administration Building, Seroe Blanco 29A Oranjestad, Aruba + 297 (525) 1000	Aruba	0031091564

B. Contact Information⁷⁹

The Commission should address correspondence regarding this application to the persons noted in Table D-2 below:

⁷⁸ 47 C.F.R. § 1.767(a)(1), (2).

⁷⁹ *Id.* § 1.767(a)(3).

Table D-2: Applicant Contact Information

Company Officer Contact
Z. Roland Croes Director Servicio di Telecomunicacion di Aruba (SETAR) N.V. Seroe Blanco 29A Oranjestad, Aruba + 297 525-1000 Roland.Croes@setar.aw

2. Certification Regarding Ownership, Citizenship, Principal Business, and Interlocking Directorates⁸⁰

SETAR certifies that it has the following 10-percent-or-greater interest holders:

Government of Aruba

Address: Smith Boulevard 72, Oranjestad, Aruba

Place of Organization: Kingdom of the Netherlands

Principal Business: government

Interest Held: The Government of Aruba holds a 100-percent voting and equity interest in SETAR.

Other than the entities and persons noted above, no entity holds a 10-percent-or-greater direct or indirect voting or equity interest in SETAR. The ownership structure of SETAR is shown in Exhibit D-1. SETAR certifies that it has the following interlocking directorate: Z. Roland Croes, a Director of SETAR is also a Director of TA Resources N.V., which is authorized to provide telecommunications services to the public in Aruba and the United States.

⁸⁰ *Id.* §§ 1.767(a)(8)(i), 63.18(h).

3. **Anti-Drug Abuse Act Certification**⁸¹

SETAR certifies that it is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.⁸²

4. **Law Enforcement Certifications**⁸³

SETAR certifies that it will:

- Ensure compliance with all *applicable* Communications Assistance for Law Enforcement Act requirements and related rules and regulations (of which there should be none given that CELIA system will operate on a non-common carrier basis);⁸⁴
- Ensure availability of communications to, from, or within the United States, as well as records thereof, in a form and location that permits them to be subject to a valid and lawful request or legal process in accordance with U.S. law, including but not limited to the authorities set forth in 47 C.F.R. § 63.18(q)(1)(ii);⁸⁵
- Designate the following points of contact who are located in the United States and are U.S. citizens or lawful U.S. permanent residents, for the execution of lawful requests and as an agent for legal service of process:

Ulises R. Pin
Morgan Lewis Bockius LLP
1111 Pennsylvania Avenue NW
Washington, D.C. 20004
+1 202 739 3000
ulises.pin@morganlewis.com

⁸¹ *Id.* § 1.767(a)(8)(i), 63.18(o).

⁸² *Id.* § 63.18(o) does not reflect the renumbering and recodification of this statutory provision as Section 421 of the Controlled Substances Act, 21 U.S.C. § 862(a).

⁸³ 47 C.F.R. §§ 1.767(a)(8)(i), 63.18(q).

⁸⁴ *Id.* § 63.18(q)(1)(i).

⁸⁵ *Id.* § 63.18(q)(1)(ii).

- Ensure the continuing accuracy and completeness of all information submitted, whether at the time of submission of the application or subsequently in response to either the Commission or Team Telecom request, as required by 47 C.F.R. § 1.65(a), and inform the Commission and Team Telecom of any substantial and significant changes while an application is pending;⁸⁶
- After the application is no longer pending for purposes of 47 C.F.R. § 1.65, notify the Commission and Team Telecom of any changes in the authorization holder or licensee information and/or contact information promptly, and in any event within thirty (30) days;⁸⁷ and
- Acknowledge that if it fails to fulfill any of the conditions and obligations set forth in the certifications set out in 47 C.F.R. § 63.18(q), or in the grant of an application or authorization, and/or that if the information provided to the U.S. Government is materially false, fictitious, or fraudulent, that it may be subject to all remedies available to the U.S. Government, including but not limited to revocation and/or termination of the Commission's authorization or license, and criminal and civil penalties, including penalties under 18 U.S.C. § 1001.⁸⁸

5. Certification Regarding Foreign Carrier Status and Foreign Affiliations⁸⁹

SETAR certifies that it (A) is a foreign carrier in Aruba; (B) owns and controls a CLS in Aruba; (C) it is affiliated with T.A. Resources N.V. (“T.A. Resources”), which is authorized to provide telecommunications services to the public in Aruba and the United States; and (D) other

⁸⁶ *Id.* § 63.18(q)(1)(iv)(B).

⁸⁷ *Id.* § 63.18(q)(v).

⁸⁸ *Id.* § 63.18(q)(iv)(A).

⁸⁹ *Id.* § 1.767(a)(8)(ii).

than its affiliation with T.A. Resources, it is not affiliated with foreign carriers, including foreign carriers that own or control CLSs in any foreign destination country where the CELIA system will land.

6. Certification Regarding Foreign Destination Countries⁹⁰

SETAR certifies that: (A) it is a foreign carrier in Aruba, one of the six foreign destination countries in which the Applicants seek to land and operate the CELIA system; (B) it controls T.A. Resources, a foreign carrier in Aruba; (C) no entity owning more than 25 percent of it or controlling it controls foreign carriers in Martinique, Antigua and Barbuda, Saint-Barthélemy, Aruba, Curaçao, or Bonaire; and (D) no grouping of two or more foreign carriers in Martinique, Antigua and Barbuda, Saint-Barthélemy, Aruba, Curaçao, or Bonaire (or parties that control foreign carriers in Martinique, Antigua and Barbuda, Saint-Barthélemy, Aruba, Curaçao, or Bonaire) own, in aggregate, more than 25 percent of it and are parties to, or beneficiaries of, a contractual relation affecting the provision or marketing of arrangements for the terms of acquisition, sale, lease, transfer, and use of capacity on the CELIA system in the United States.

7. Certifications Regarding WTO Status and Affiliations with Foreign Carriers Having Market Power in Foreign Destination Countries⁹¹

SETAR is a foreign carrier, and controls a CLS in Aruba, which is not yet a WTO member country. By way of background, Aruba is a member country of the Kingdom of the Netherlands with full autonomy in internal affairs obtained in 1986 upon separation from the Netherlands Antilles; however, the Dutch Government is responsible for Aruba's defense and foreign affairs. The Kingdom of the Netherlands has been a member of the WTO since 1994. Since then, Aruba has taken steps to finalize the terms of accession to the WTO.

⁹⁰ 47 C.F.R. § 1.767(a)(8)(iii).

⁹¹ *Id.* § 1.767(a)(8)(iv).

Regardless of its WTO status, the Government of Aruba has taken steps to open its telecommunications market to competition, and Aruba provides effective competitive opportunities to U.S. carriers to compete in the country's market. Moreover, the Commission has repeatedly found that Aruba provides effective competitive opportunities for U.S. licensed companies to own and operate submarine cable facilities and provide telecommunications services involving Aruba.

Specifically, despite SETAR being the incumbent local exchange carrier operating in Aruba, a country that is not yet a member of the WTO, in 2011 the Commission granted SETAR's subsidiary, TA Resources, an international Section 214 authority to provide international telecommunications services in the United States.⁹² Subsequently, in 2014, the Commission granted SETAR a joint interest in a cable landing license for the Pacific Caribbean Cable System ("PCCS").⁹³

In the Commission's order granting a submarine cable license for PCCS, the Commission stated that Aruba satisfied the criteria of the effective competitive opportunities for U.S. carriers in the foreign country (the "ECO test"),⁹⁴ which the Commission used at the time to ascertain

⁹² See *T.A. Renounces N.V. Application for International Section 214 Authorization and Determination that Aruba Provides Effective Competitive Opportunities to U.S. Carriers*, Order and Authorization, 26 FCC Rcd. 15,978(Int'l Bur.2011).

⁹³ See *Telefonica International Wholesale Services USA, Inc., et al. Joint Application for a License to Construct, Land, and Operate an Undersea Cable System Linking the British Virgin Islands, Puerto Rico, Aruba, Colombia, Panama, Ecuador and the Continental United States, and Request for a Determination that Aruba Provides Effective Competitive Opportunities to U.S. Cable Landing License*, Order and Authorization, 29 FCC Rcd. 496 (Int'l Bur. 2014) ("PCCS License").

⁹⁴ See *Market Entry and Regulation of Foreign-Affiliated Entities*, Report and Order, 11 FCC Rcd. 3873, 3884-88 ¶¶ 27-39 (1995) ("Foreign Carrier Entry Order"). In 1997, the Commission eliminated the ECO test for entry by applicants from WTO member countries but retained it for entry by applicants having market power in non-WTO Member countries. *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, Report

whether foreign carriers could enter the U.S. market if they were from non-WTO member countries.⁹⁵ First, the Commission found that there were no legal impediments to the ability of U.S.-licensed companies to hold ownership interests in submarine cables landing in Aruba and to land a cable and operate a CLS in Aruba, as U.S. submarine cable operators must follow the same process as SETAR in obtaining authorizations to land and operate a cable.⁹⁶ Second, the Commission found Aruba afforded U.S. submarine cable operators the practical ability to enter the market and own and operate submarine cable facilities.⁹⁷

By its signature below, SETAR certifies to the Commission that the competitive conditions in the Aruba telecommunications market have not materially changed since the grant of T.A. Resources' international Section 214 authorization in 2011 and the grant to SETAR of a joint interest in the PCCS cable landing license in 2014. The Aruba submarine cable market continues to be competitive. Therefore, as the Commission has previously determined that Aruba is a competitive market and the competitive conditions in the country have not changed, grant of the instant application for a communications cable connecting the United States to Aruba is in the public interest and will not negatively impact competition.

As SETAR has a 50-percent-or-greater market share in the international-transport and local access markets in Aruba, it agrees to comply with the reporting requirements specified in 47 C.F.R. § 1.767(l).

and Order and Order on Reconsideration, 12 FCC Rcd. 23,891, 23,896 ¶ 9 (1997). The Commission subsequently eliminated the ECO test, finding that it is no longer necessary to protect competition. *See Reform of Rules and Policies on Foreign Carrier Entry into the U.S. Telecommunications Market*, Report and Order, 29 FCC Rcd. 4256 (2014).

⁹⁵ *See PCCS License* ¶¶ 14-21.

⁹⁶ *See id.* ¶ 17.

⁹⁷ *See id.* ¶ 21.

8. Certification Regarding Routine Conditions⁹⁸

SETAR certifies that it accepts and will abide by the routine conditions specified in 47 C.F.R. § 1.767(g).

9. Streamlining⁹⁹

As Aruba is not yet a WTO member country, SETAR does not qualify for streamlined processing pursuant to 47 C.F.R. § 1.767(k)(3).

SETAR certifies that the application qualifies for streamlined processing under 47 C.F.R. § 1.767(k)(4) and certifies that it is not required to submit a consistency certification to any state or territory pursuant to Section 1456(c)(3)(A) of the Coastal Zone Management Act, codified at 16 U.S.C. § 1456(c)(3)(A). Florida—the only state in which the CELIA system will land—does not list a cable landing license as a federal activity requiring a consistency certification.¹⁰⁰

[Signature on following page]

⁹⁸ *Id.* § 1.767(a)(9).

⁹⁹ *Id.* § 1.767(k).

¹⁰⁰ *See* Florida's Federal Listed Actions,
<https://coast.noaa.gov/data/czm/consistency/media/fl.pdf>.

Respectfully submitted,

**SERVICIO DI TELECOMUNICACION DI
ARUBA (SETAR) N.V.**

Signed by:
Sonia Damian
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Sonia Damian
Manager Human Resources
Servicio di Telecomunicacion di Aruba
(SETAR) N.V.
Seroe Blanco 29A
Oranjestad, Aruba

July 29, 2025

EXHIBIT D-1:

**Ownership Structure of
Servicio di Telecomunicacion di Aruba (SETAR) N.V.**

