

January 3, 2020

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Pro Forma Assignment of the Seabras-1 Cable Landing License, File No. SCL-LIC-20160115-00002

Dear Ms. Dortch:

Pursuant to 47 U.S.C. § 34, Executive Order No. 10,530, and 47 C.F.R. § 1.767(g)(7), the undersigned hereby notify the Commission of the *pro forma* assignment of the cable landing license for the Seabras-1 submarine cable system from Seabras 1 USA, LLC (“Seabras 1 USA”) (FRN 0025202300) to Seabras 1 USA, LLC, Debtor-in-Possession (“Seabras 1 USA DIP”) (FRN 0029089745) in connection with the pending bankruptcy of Seabras 1 USA DIP and its direct parent, Seabras 1 Bermuda Ltd, Debtor-in-Possession (“Seabras 1 Bermuda DIP”) (together, “Debtors”). The Commission originally licensed the Seabras-1 system in November 2016,¹ and the system entered commercial service on September 8, 2017.²

To restructure Seabras 1 Bermuda’s debt, of which Seabras 1 USA is a guarantor, the Debtors filed with the United States Bankruptcy Court for the Southern District of New York on December 23, 2019 seeking protection under Chapter 11 of the U.S. Bankruptcy Code.³ During the pendency of the Chapter 11 proceedings, Seaborn Management, Inc. will continue to manage the operations of the Seabras-1 system and exercise *de facto* control over the system pursuant to a management agreement between Seaborn Management, Inc., and Seaborn Group, LLC, the

¹ *Actions Taken Under Cable Landing License Act*, Public Notice, 31 FCC Rcd. 12,610 (Int’l Bur. 2016).

² See Letter from Kent Bressie, Harris Wiltshire & Grannis LLP, to FCC Secretary Marlene H. Dortch, File No. SCL-LIC-20160115-00002 (filed Sept. 8, 2017).

³ Case No. 19-14006 (SMB) (Bankr. S.D. N.Y.).

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direct parent of Seabras 1 Bermuda Ltd, as described in the original cable landing license application later granted by the Commission.⁴ Seabras 1 USA DIP acknowledges that any substantive transfer of *de jure* or *de facto* control of the Seabras-1 system as a consequence of the Chapter 11 proceedings would require the Commission's prior consent, although no such transfer of control or assignment is contemplated at this time.

Correspondence concerning this filing should be sent to:

Mr. Patrick Hill
General Counsel and Corporate Secretary
Seabras 1 USA, LLC Debtor-in-Possession
600 Cummings Center, 2nd Floor
Beverly, Massachusetts 01915
+1 978 471 3171
patrick.hill@seabornnetworks.com

and


Kent Bressie
Colleen Sechrest
Harris, Wiltshire & Grannis LLP
1919 M Street, N.W., Suite 800
Washington, D.C. 20036
+1 202 730 1337
kbressie@hwglaw.com

As required by 47 C.F.R. § 1.767(g)(7), Seabras 1 USA DIP certifies in the attached certification that this assignment is *pro forma* in nature (as defined in 47 C.F.R. § 63.24(f)(2)(ii)) and would not, when considered together with all previous *pro forma* transactions, result in a substantive transfer of control or assignment of the Seabras-1 cable landing license.

⁴ Seabras 1 USA, LLC, Application for a Cable Landing License for the Seabras-1 Submarine Cable System, File No. SCL-LIC-20160115-00002, at 8 (filed Jan. 15, 2016).

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kent Bressie".

Kent Bressie
Colleen Sechrest
*Counsel for Seabras 1 USA, LLC, Debtor-in-
Possession*

Attachment

cc: Denise Coca
Jodi Cooper
David Krech

CERTIFICATION

I, Patrick Hill, as General Counsel and Corporate Secretary of Seabras 1 USA, LLC, Debtor in Possession (“Seabras 1 USA DIP”), hereby certify as follows:

1. I have reviewed the attached *pro forma* assignment notification and believe that it states fully and accurately the circumstances of the *pro forma* assignment of the cable landing license held by Seabras 1 USA DIP.
2. The transactions described therein are *pro forma* in nature under the Commission’s rules and, together with all previous *pro forma* transactions, would not result in a substantive transfer of control or assignment of the Seabras-1 cable landing license.

I certify under penalty of perjury that the foregoing is true and correct.



Patrick Hill
General Counsel and Corporate Secretary
Seabras 1 USA, LLC Debtor-in-Possession
600 Cummings Center, 2nd Floor
Beverly, Massachusetts 01915
+1 978 471 3171
patrick.hill@seabornnetworks.com

Executed January 3, 2020